

Attachment J

Public Correspondence

Part 3 of 3

Public Comments

Loy, Maggie A

From: Tony DElia [tony_arabians@sbcglobal.net]
Sent: Thursday, September 24, 2009 4:11 PM
To: Loy, Maggie A
Subject: Re: Merriam Mountain Project Draft FEIR and Hearing Notice

For a city and county, that has no water, where is this going? to put in all those units is something that I will never understand. I don't think the people in the Twin Oak area are sleeping over this situation.

From: "Loy, Maggie A" <Maggie.Loy@sdcounty.ca.gov>
To: SMarks@nctd.org; burklepurdue@yahoo.com; tony_arabians@sbcglobal.net; clse4@yahoo.com; EleanorFilkins@aol.com; mekaela@briggslawcorp.com; hilltopcross@copper.net; khherbert@cox.net; wjj2001@yahoo.com; eurotileart@cox.net; seligloma@yahoo.com; James.Lott@mitchell.com; amccarty6@cox.net; betport@cox.net; mrsilverhill@yahoo.com; theroopers2@yahoo.com; Icare111@aol.com; jayestott@yahoo.com; caliveltz@hotmail.com; Kwagner563@aol.com; Royalviewranch@aol.com; Ryan.Green@Centex.com; linda.r.delong@bakernet.com; Valerie@briggslawcorp.com; char.ayers@att.net; morgan7070@cox.net; SMarks@nctd.org
Cc: "Real, Sami" <Sami.Real@sdcounty.ca.gov>
Sent: Monday, September 21, 2009 1:14:57 PM
Subject: Merriam Mountain Project Draft FEIR and Hearing Notice

To those in my e-mail file as requesting e-mail notification regarding the Merriam Mountains project:

The Draft Final EIR is available for review at the DPLU website <http://sdcounty.ca.gov/dplu/EIRs/MERRIAM-MTS.html>
or at DPLU, 5201 Ruffin Road, Suite B, San Diego, California 92123.

The Planning Commission will conduct a public hearing on this project:

Date: October 9, 2009
Time: 9:00 a.m.
Location: Department of Planning and Land Use Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California 92123

Regards,
Maggie Loy, EIR Coordinator
Department of Planning and Land Use
County of San Diego, MSO650
5201 Ruffin Road, Suite B
San Diego, Ca 92123-1666
Phone: (858) 694-3736
Fax: (858) 694-3373

9/24/2009

Real, Sami

From: Jones, Cheryl
Sent: Tuesday, September 22, 2009 9:19 AM
To: Real, Sami
Subject: Stonegate/Merriam Mountains Housing project

Additional letter of support, Sami!

Cheryl, 858/694-3816

From: Sylvia T. Clark [mailto:gallery404@orioncable.net]
Sent: Tuesday, September 22, 2009 7:00 AM
To: Jones, Cheryl
Cc: Steiner, Dustin
Subject: Stonegate/Merriam Mountains Housing project

Planning Commission

Hearing on Stonegate Merriam Mountains LLC

Project Case numbers 3800 04-006GPA, 3810 04-006 SP, 3600 04-013 R, 3100 5181RPL VTM, and 3500 04-035 through 038 STP

RE: Merriam Mountains housing project

We would like for the commission to know that not everyone here at Champagne Village is against the Merriam Mountains housing project. On the contrary, there are many of us that are definitely FOR the project. Last month we hosted an informational luncheon for the Stonegate/Merriam Mountains project attended by 120 people and many of the Champagne Villagers were FOR the new development. That was the feedback we got. We feel that the project would enhance our property values, bring a closer marketplace and shopping area, and provide a lot of affordable but high end housing for this end of the county. It would bring more business to the Welk Resort and this part of Escondido is a wonderful place to bring up kids.


My husband and I know we will probably not be alive when it is all finished but we feel that for future generations it will be much appreciated. As seniors stuck out here far away from everything we need a bus line. Many seniors out here don't drive or shouldn't.

We have heard all of the squawking done by a handful of hysterical protesters. They are just following Joan Van Ingen's bitter, biting, fanatical, full of hate protests. It is a small group from the Champagne Village that is fearful of the 21st century that wants to vent some of that hatred and Ms. Van Ingen spurs them on. This is a very short-sighted group that does not want to bring young, new blood out here.

We hope you will consider how much we need this development with its wider roadways and parks and marketplace...and hopefully... a bus line out here.

Thank you for considering our opinion,

9/23/2009



Wayne and Sylvia T. Clark
8975-404 Lawrence Welk Dr.
Escondido, CA 92026
760-807-3129

Real, Sami

From: Loy, Maggie A
Sent: Monday, September 21, 2009 2:40 PM
To: 'Royalviewranch@aol.com'
Cc: Real, Sami
Subject: RE: what are new sections of final EIR?

Karen,

Yes, the findings are required for the hearing – The 15091 Findings are a summary of the EIR with determinations for each impact regarding (1) whether the project mitigates the significant effect to “less than significant” (Sections A), (2) if the impacts is not mitigated or not mitigated to less than significant (Section C), why not, and (3) identifying the mitigation in other jurisdictions that are conditions of the project, but the County cannot assure will be done (Section B).

Maggie.

From: Royalviewranch@aol.com [mailto:Royalviewranch@aol.com]
Sent: Monday, September 21, 2009 2:25 PM
To: Loy, Maggie A
Subject: Re: what are new sections of final EIR?

Maggie, What about "Findings Regarding Significant Effects" a 76 page document with mitigation measures. Is that a new section??? Karen Binns

Real, Sami

From: Jones, Cheryl
Sent: Friday, September 18, 2009 8:05 AM
To: 'Scott Liljegren'
Subject: Merriam Mountains

Good Morning, Mr. Liljegren! Thank you for your comments!

Cheryl, 858/694-3816

From: Scott Liljegren [mailto:scott@liljegrenlaw.com]
Sent: Thursday, September 17, 2009 9:59 PM
To: Jones, Cheryl
Cc: linda@merriammountains.com
Subject: Merriam Mountains

Dear Planning Commissioners:

My name is Scott Liljegren, I live down the road from the Merriam Mountains site at I-15 and Deer Springs Road, and I am in complete support of the project. Merriam Mountains will be a tremendous improvement in this area, and I am looking forward to the new on/off ramps and widening of Deer Springs Road. As a member of the Escondido Chamber of Commerce Economic Development Committee, I just sat through a terrific visual presentation on Merriam Mountains. The artist's renderings of the homes, parks, and retail spaces were very impressive and exciting -- although I think the best part of the presentation was the fact that solutions to community concerns were provided up front. My natural questions about traffic, fire, water, schools, etc... were answered before I had to ask them. Please support and approve the proposals for Merriam Mountains. Thank you.

Respectfully yours,

Scott A. Liljegren, Esq.
LILJEGREN LAW GROUP
Serious Injuries. Caring Professionals.

www.LILJEGRENLAW.com
336 South Broadway, Escondido, CA 92025
760.294.1515 ph - 760.294.1565 fax
815 Civic Center Drive, Oceanside, CA 92054
760.613.9906 ph - 760.294.1565 fax
28581 Old Town Front Street, Temecula, CA 92590
951.676.4554 ph - 951.676.4564 fax

9/18/2009

Real, Sami

From: Jones, Cheryl
Sent: Thursday, September 17, 2009 10:17 AM
To: 'Carl Skaja'
Subject: Merriam Mountain Project

Thank you, Mr. Skaja!

Cheryl, 858/694-3816

From: Carl Skaja [mailto:Carl@sdplaw.com]
Sent: Thursday, September 17, 2009 9:51 AM
To: Jones, Cheryl
Subject: Merriam Mountain Project

I am a native resident of Escondido and would like to express my support for the Merriam Mountain development project. Our community needs high quality developments such as this one to meet future housing demands and to provide quality jobs to our region. Please convey my support for this project.

Carl J. Skaja

Real, Sami

From: Jones, Cheryl
Sent: Friday, September 18, 2009 7:53 AM
To: 'DWue772277@aol.com'
Subject: RE: Merriam Mountain Project

Good Morning, and thank you for your comments, Mr. Wuensch!

Cheryl, 858/694-3816

From: DWue772277@aol.com [mailto:DWue772277@aol.com]
Sent: Thursday, September 17, 2009 1:25 PM
To: Jones, Cheryl
Subject: Merriam Mountain Project

Dear Cheryl,

I am sending this e-mail in support of the Merriam Mountains project in North County off of Deer Springs Rd. In my opinion, not only will this project bring jobs to the area, it will also bring needed revenue to the county of San Diego. In addition to jobs and revenue, the infrastructure and enhanced fire protection will greatly enhance the ability to fight fires in the area.

Sincerely,

Doug Wuensch

9/18/2009



September 15, 2009

Planning Commission
County of San Diego
Attn: Cheryl Woods
5201 Ruffin Road, Suite B
San Diego, CA 92123

Dear Members of the San Diego County Planning Commission:

As part of our mission to be an advocate for business and the community, the San Marcos Chamber of Commerce commends development projects that enhance the quality of life in our region. In particular, we recognize and value the positive attributes that new developments typically bring to our community, such as: substantive and quality parks and trails; the addition of local retail amenities; opportunities for the creation of neighborhood, civic and community service organizations; jobs, both temporary and long-term; improvements to the regional infrastructure; support of public agencies like schools and waste, water, and fire districts; fiscal contributions to our community and the region in the form of property, redevelopment, and retail sales taxes; and the positive fiscal impact—in general—that regional growth has on any community.

It is for these reasons that the San Marcos Chamber of Commerce supports, in concept, projects that lend value to our business and residential communities. We will watch with great interest the advancement of the Merriam Mountains development in San Diego's North County over the next several months, and look forward to learning of its progress.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan Priest", written over a horizontal line.

Joan Priest
President and CEO

A handwritten signature in black ink, appearing to read "Sheila Brown", written over a horizontal line.

Sheila Brown
Chair of the Board of Directors

69:18 70 60 12 35

JP/SB:sk

Part 3 of 3 Attach J Page # 10
LAW OFFICES OF WESLEY W. PELTZER

A PROFESSIONAL CORPORATION
751 RANCHEROS DRIVE, SUITE 4
SAN MARCOS, CALIFORNIA 92069
TELEPHONE (760) 744-7125
FAX (760) 744-8259
E-MAIL: WWPELTZER@AOL.COM

September 14, 2009

Via E-Mail and Overnight Mail

Sami Real
DPLU Planning Manager
5201 Ruffin Road, Suite B
San Diego, CA 92123
E-Mail: Sami.Real@sdcounty.ca.gov

Re: Planning Commission Hearing on Merriam Mountains Specific Plan;
GPA 04-06; SP 04-006

Dear Ms. Real:

We are writing this letter on behalf of *Save Our Valley* which is a coalition of citizens, property owners and businesses concerned about the Merriam Mountains project. At present, the *Save Our Valley* coalition consists of approximately 600 concerned citizens, property owners, and businesses located throughout Northern San Diego County.

We have been informed that a hearing on the Merriam Mountains project has been scheduled for the Planning Commission on October 9, 2009. However, there were voluminous comments submitted on the Merriam Mountains recirculated draft environmental impact report and responses to those voluminous comments and the final EIR have not yet been provided so that the public and public agencies have adequate time to review it prior to the hearing.

As you know, one of CEQA's basic purposes is to inform government decision-makers and the public about the potential significant environmental effects of a proposed project and to disclose to the public the reasons for approval of a project that may have significant environmental impacts. (CEQA Guidelines §§15002(a)(1); 15002(a)(4)). The Courts have repeatedly stated that informed decision making and public participation are fundamental purposes of the CEQA process. (*Citizens of Goletta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; *Laurel Heights Improvement Ass'n v. Regents of the Univ. of California* (1998) 47 Cal.3d 376, 392).

Given the enormous public interest in this project, it is vitally important that both the public and public agencies be given a reasonable opportunity to review the responses to comments and the final EIR before the Planning Commission hearing.

Sami Real
September 14, 2009
Page 2

As a result of this situation, we are requesting that the Planning Commission hearing be delayed one month to allow members of the public and public agencies adequate time to review the extensive responses to the voluminous comments on the recirculated EIR and the final EIR. This is a very substantial project that deserves careful scrutiny by both the public and the County.

We are also requesting that *Save Our Valley* be granted 20 minutes for an organized presentation at the Planning Commission hearing. This organized presentation will include presentations from some members of *Save Our Valley* and formal presentations from experts on some of the more critical environmental issues such as noise, traffic, community character and the effect of the condemnation actions necessary to accommodate the project. An organized presentation will be a far more effective use of time for the County than having each of the 600 *Save Our Valley* representatives testify during the hearing.

As you know, CEQA Guidelines §15088(a) provides that a lead agency "shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the notice comment period and any extensions and may respond to late comments". Guidelines §15088(c) also requires that the written response describe the disposition of the significant environmental issues and provides in pertinent part: "In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted".

This is one of the most significant projects presented in the County in many years. It has attracted significant public interest and concern. Given the voluminous nature of the comments received on the revised draft EIR for the project, it seems eminently fair to provide the public and public agencies with a reasonable period of time to review the extensive responses to these comments and the final EIR before the Planning Commission hearing. If you have any questions on these requests, please give us a call.

Sincerely,

LAW OFFICES OF WESLEY W. PELTZER



Wesley W. Peltzer
Attorneys for
Save Our Valley

RECEIVED
SEP 15 2009

DPLU - PPCC



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

September 14, 2009

Karen and Allen Binns
2637 Deer Springs Place
San Marcos, California 92069-9761

RE: Merriam Mountains Project
 Letters dated August 28, 2009

Dear Mr. and Mrs. Binns:

The Department of Planning and Land Use ("Department") is in receipt of your letter dated August 28, 2009 which requests additional time be provided to the public for the review of the responses to comments prior to the first public hearing. In accordance with Section 15088 of the California Environmental Quality Act, the Department of Planning and Land Use makes the responses to the comments available 10 days prior to making a decision on a project or the first public hearing, whichever occurs first. However, in light of your letter and the circumstances that surround this project, the Department concurs with your suggestion to provide advanced notice of the responses to comments. As such, the Department intends to issue a notice on Monday, September 21st noting the date, time, and location the first public hearing and location(s) of where the Final Environmental Impact Report can be found.

If you have any questions regarding this letter or any other aspects of the project, please feel to call me at (858) 694-3722.

Sincerely,

A handwritten signature in black ink that reads "Sami Real".

Sami Real, Planning Manager
Project Planning

cc: Eric Gibson, Director, Department of Planning and Land Use

SEP 1 '09 PM 2:27

August 28, 2009

Allen F. & Karen Binns
2637 Deer Springs Place
San Marcos, CA 92069-9761

Eric Gibson, Director
Department of Planning and Land Use
5201 Ruffin Rd., Ste. B
San Diego, CA 92123-1666

Re: Merriam Mountains EIR response review time

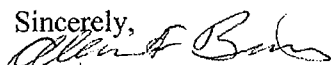
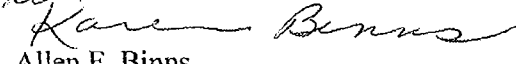
Dear Mr. Gibson,

We are abutting neighbors to the Stonegate/Merriam Mts. Project. They have acquired 3 parcels abutting our property to the south, west, and north of us plus a road easement. This area will contain the major 4 lane Meadow Park Lane and 77+ condos all abutting our equestrian property. We have resided here for 22+ years and this massive project is not what we envisioned for us as we head toward our retirement years.

We are writing regarding the review time to review the response to comments for the Stonegate/Merriam Mountain EIR. I have been told that the responses will only be posted on line and that we will only have 10 days to review the comments and response to comments. I was told that there were several thousand comments generated from the DEIR and over 100 letters sent in on the REIR. We feel that this will be a severely limited time frame to review the comments and responses. We think that in fairness to all those people and agencies that submitted comments to the DEIR (we submitted 14 pages of comments) and to the REIR where we submitted an additional 16 pages plus several attachments, we should have sufficient time to be sure that our comments as well as the others have been adequately addressed.

Due to the massive size of the DEIR (5 volumes including appendices) as well as the REIR (3 volumes including appendices) that we need a minimum of 30 days to review the comments and response to comments.

We would greatly appreciate you considering a time extension. This is a massive, complex development and not a run of the mill one. We feel that due to the above reasons a considerable extension of time should be granted. Please consider our request. Thank you for your time.

Sincerely,


Allen F. Binns
Karen Binns

Real, Sami

From: Real, Sami
Sent: Thursday, July 16, 2009 12:41 PM
To: 'dugito@yahoo.com'
Cc: Loy, Maggie A
Subject: RE: merriam mountain specific plan (GPA04-06)

Doug..

Thank you for your e-mail indicating your concern regarding the implementation of the Merriam Mountains project. Your e-mail will be included in the project file for the decision makers review and consideration.

As you may already be aware of, Deer Springs Road is currently classified/planned as a 4-lane road although, today, it is only improved to 2-lanes. The Merriam Mountains project does propose to increase the number of improved lanes on Deer Springs Road to 4-lanes, and increase the classification of the road to accommodate 6-lanes in the future, in order to handle existing and proposed traffic on this road. For a more detailed description of the project and it's associated impacts, the project file and Environmental Impact Report are available for review at the Department of Planning and Land Use (see address below).

If you have any further questions regarding this project, please feel free to contact me at the below.

Sincerely,

Sami Real, Planning Manager
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
(619) 694-3722

-----Original Message-----

From: doug ito [mailto:dugito@yahoo.com]
Sent: Thursday, July 16, 2009 9:52 AM
To: Loy, Maggie A
Subject: merriam mountain specific plan (GPA04-06)

Maggie Loy,

I am the property owner of two parcels on Deer springs rd, Apn # 182-040-59-00 and 182-040-60-00. Our property has substantial frontage along the Deer Springs rd. Just recently I was told by the Twin Oaks planning group that my property would be greatly affected by the proposed increase to four lanes. In essence with the proposed widening I will lose about 2 acres of my property with the set backs, I am opposed to any increase in the street widening for the proposed Merriam project. I am not sure if I am too late for my comments or not but please put this in your files

Doug Ito 760 505-4855
dugito@yahoo.com
apn# 182-040-59-00
182-040-60-00

Loy, Maggie A

From: doug ito [dugito@yahoo.com]
Sent: Thursday, July 16, 2009 9:52 AM
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Doug Ito 760 505-4855
dugito@yahoo.com
apn# 182-040-59-00
 182-040-60-00

Loy, Maggie A

From: Loy, Maggie A
Sent: Thursday, July 16, 2009 11:01 AM
To: 'doug ito'
Cc: Real, Sami
Subject: RE: merriam mountain specific plan (GPA04-06)

Dear Mr. Ito,

I received your correspondence and I have put it in the project file. Widening of Deer Springs Road is anticipated with or without approval of the Merriam project due to its existing level of service and the existing County Circulation Element designation. To better understand how these plans may impact your property, see the documents at the following web links:

<http://www.sdcounty.ca.gov/dplu/EIRs/MERRIAM.html>

<http://www.sdcounty.ca.gov/dplu/EIRs/MMSP/GPA04006-REIR-Chap9-090309.pdf>

Please let me know if you have additional questions.

If you would like to update your address for notification of hearings related to this project, please respond to this e-mail.

Maggie Loy, EIR Coordinator
Department of Planning and Land Use
County of San Diego, MSO650
5201 Ruffin Road, Suite B
San Diego, Ca 92123-1666
Phone: (858) 694-3736
Fax: (858) 694-3373

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Sent: Thursday, July 16, 2009 9:52 AM
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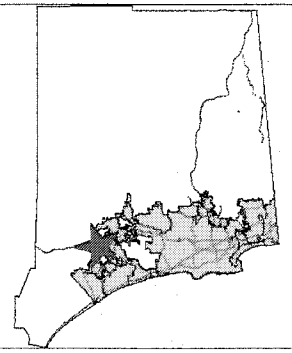
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Doug Ito 760 505-4855
dugito@yahoo.com
apn# 182-040-59-00
182-040-60-00

7/16/2009

DPLU-GIS Mapping Application



Legend

- ☐ Parcels with out labels
- Highways
- Freeways
- Streets
- Water Bodies
- 2008 Orthophoto South West
- 2008 Orthophoto South East
- 2008 Orthophoto North West
- 2008 Orthophoto North East



Scale: 1:2,305



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Loy, Maggie A

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Cc: Loy, Maggie A
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If you have any further questions regarding this project, please feel free to contact me at the below.

Sincerely,

Sami Real, Planning Manager
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
(619) 694-3722

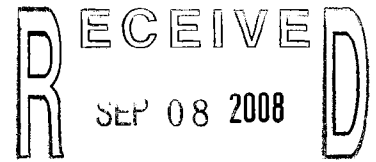
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Doug Ito 760 505-4855
dugito@yahoo.com
apn# 182-040-59-00
182-040-60-00



September 5, 2008

Karen Binns
2637 Deer Springs Place
San Marcos, CA 92069

Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: Merriam Mountains/Kim property demolition

Dear Maggie and Jennifer,

I wish this letter to become part of the file on the Merriam Mountains project along with the 9 page fax I sent earlier in the week with the EIR conditions for the Kim property demolition. Some chicken type sheds/barns were also demolished and hauled away on Aug. 28 from the Clark property.

I find it rather appalling that a Developer does not know what the conditions are in their **own** EIR, or even that there were conditions, and tried to do demolition on a piece of property without the proper studies (asbestos, pesticides, and lead based paint) being done prior to demolition taking place. From my reading of the EIR I know that there is also a septic tank, propane tank, and an underground gas tank on the Kim site. You would think that by this point in time that the EIR contents should be ingrained into their memory. There was not even a water truck on site for dust remediation. I do not know why they would wish to subject their "neighbors" to unhealthful conditions when those same "neighbors" have had severe health conditions in the past and are doing their best to remain healthy. There are also several children residing in the immediate area (at least 5) and were playing outside at the time of demolition without their parents knowledge of what may have been lurking in the air.

It is not as if I did not make the developer aware that there were environmental issues that needed to be addressed prior to demolition as stated in the EIR. When I questioned whether they had a demolition permit I was told that they had a permit and that I did not need to worry about my health as they were "following all procedures to the letter". I was also told that the ground and soil would not be disturbed at this time. I do not know what the two Bobcat tractors were for, or how they were planning on removing all the debris without disturbing the soil. I see now that my fears were not without merit.

Now that demolition has ceased until completion of the proper studies takes place as well as any environmental remediation deemed necessary, we are faced with an even more unsightly, unhealthy and unsafe condition next door.

I still do not know why this demolition is being done now, prior to the possible approval of the project. It had been referred to me as some "cleanup" and it wasn't until several e -

mails later that the word "demolition" was used. I can appreciate the fact that this property is finally being cleaned up as it was an eyesore but I am just questioning what the motive may be. The applicant seems very positive that approval will be granted and I was just wondering if they are just being very confident or if they have been promised approval.

I really believe that this building was being demolished now, prior to possible approval of the project, so that the conditions of the EIR did not have to be followed.

I also would like to know what the "plans" for this piece of property are once the demolition is complete. Will it be used for storage of some sort or will it be used as a "staging area" if approval is granted? Part of this property abuts our property so it is a very big concern to us. We do not want this property or any property abutting ours (Kim, Clark, Smith, Pizzutto) to be used as a staging or storage area during possible development. We would be subjected to an even greater amount of noise, dust, loss of privacy, etc. if workers were congregating around our property and having lunch and breaks or working on equipment at all hours of the day and evening with bright lights. **We request that this be made a condition of the development process.**

We never asked to be put in such a position of being abutting neighbors to a 2700 home development with a 4 lane road abutting our small horse ranch. It started out as a 2 lane road, then a bunch of condos were added to the mix, and then the 2 lane road became a 4 lane road with the condos. We also found out through our **own** reading of the EIR that the abutting Smith property will have almost it's entire 8 acres blasted as well as a piece of land between Kim/Clark that is directly in front of our front door. This was never disclosed to us by the developer. There is no way that the developer will be able to provide us with the proper mitigation measures for all the blasting, noise, rock crushing, trucks hauling rock, gravel, asphalt, building supplies, and the noise and dangerous noxious fumes of the construction equipment. I fear that since corners were cut before approval was granted, that if approval is ever granted on this project, even more corners may be cut. This is just more of what is to come. Who will be looking out for the health and welfare of the residents of Twin Oaks Valley as well as my husband and myself as well as our animals?

Thank you for your time, help and understanding in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Karen Binns". The signature is written in dark ink and is positioned above the printed name.

Karen Binns

FAX COVER SHEET

TO: Maggie Loy
FROM: Karen Binns

DATE: 9/3/08

TOTAL PAGES (including cover sheet): 9

SUBJECT: Merriam MTS. Demo of Kim
Property &
Clock Sheds

NOTE:

Maggie - I have been

Trying to reach you. I called re:
The demolition of the Kim property. I
do not believe they are following the
Conditions of the EIR. Here are
some pages I found in the EIR.
Has any further Studies been done?
Why is this being demo'd now. Half
is already demo'd + ~~it~~^{demo} has been
going on the last 2 days.

I would like these pages + for
added to the Merriam MTS. file.

Karen Binns

my
phone
760-744-5916

Since the Total Lead concentrations were greater than 100mg/kg, the samples were also tested for soluble lead by the State of California wet extraction method (Soluble Threshold Limit Concentration - STLC) and RCRA wet extraction method (Toxicity Characteristic Leaching Procedure - TCLP). The state of California's hazardous waste standard for Total Lead consists of 1,000 mg/kg and 5 mg/L for soluble lead. The RCRA hazardous waste standard for lead consists of 5.0 mg/L. As shown in the above table the lead amounts indicated in the soil samples exceed these standards.

b. Phase I Environmental Site Assessment Report Kim Property; November 18, 2003

A separate ESA was performed for the 5.24-acre Kim Property located at 628 Deer Springs Road, the southernmost portion of the project site. The Kim property has a greenhouse operation that was built in 1969 and has been under the Kim ownership since 1996. Ms. Kim stated that a septic system exists on site. She was not aware of storage of any hazardous materials or environmental concerns associated with the site. According to Ms. Kim, the propane aboveground storage tank (AST) on-site is not in use and is planned for removal. Although no pesticides were observed, she also stated that pesticides are used on-site. The FirstSearch database for the Kim Property did not identify any facilities on or adjacent to the property that appear to represent a potentially hazardous source. There is no evidence or suspicion of surface release(s) of petroleum products or chemicals. During the site inspection, there were no observations of stressed vegetation, disposals, ground settlement, or similar conditions. Neither an asbestos survey nor a lead-paint survey was performed. Due to the age of the structures, these hazards are expected to exist on-site. The Phase I recommends the following: (1) an asbestos survey and lead-based paint survey prior to demolition of onsite structures; (2) collection and analysis of four (4) surface (0 - 0.5 feet) soil samples within the greenhouse and additional four (4) samples on the remainder of the Site for the presence of organochlorine pesticides; (3) removal of above ground storage tank, septic system, and associated piping according to current regulations; and (4) ongoing observation during site development to identify areas of possible contamination from underground facilities, buried debris, waste, drums, tanks, staining soil or odorous soils.

c. Phase I Environmental Site Assessment Report Jimenez Property; November 24, 2003

A separate ESA was performed for the approximate 31-acre Jimenez Property located east of Twin Oaks Crest Drive and west of Gist Road northwest of the City of Escondido and northeast of the City of San Marcos. The Jimenez Property is within the project boundary. The site is

3.3.2.3 Analysis of Project Effects and Determination of Significance

Guideline 1: Cause substantial adverse effects on human beings either directly or indirectly

a. On-site

The following existing conditions on the site may result in the exposure of people or the environment to hazardous materials:

- Lead shot has been evaluated and determined to have impacted the soil in the area of spent shotgun shells northeast of the abandoned private airstrip. This hazardous material could be released into the environment and is considered a significant impact (Impact HZ-2).
- The closest proposed residential unit to this REC site would be located approximately 2,550 feet (0.48 mile) to the south. This REC site is proposed to be located within the Biological Open Space area, which would be fenced to prevent access to this area from the proposed residents and/or other patrons. Other proposed development activities that would occur near this REC consists of grading activities for Lawrence Welk Drive. The distance from the edge of the proposed grading for Lawrence Welk Court is approximately 100 feet from the edge of the REC site. Although no grading activities would occur within this lead contaminated area, it represents a potentially significant impact to the environment that requires mitigation to remove the existing contamination.
- Due to the presence of lead shot and ~~potential presence of pesticides onsite~~, the project would be required to participate in the County of San Diego's Voluntary Assistance Program (VAP) to obtain oversight of the remediation of these conditions. The VAP program uses the standards and requirements of the County's Site Assessment and Mitigation Manual (SAM), which contains performance standards for site remediation.
- Due to the age of existing structures on the project site (located at the Kim Property, Clark Property and Smith Property), asbestos is expected to be present. The potential presence of this hazardous material may result in the accidental release of asbestos into the environment if these structures are removed or disturbed. This would result in a significant impact (Impact HZ-3).
- Due to the age of existing structures on the project site (located at the Kim, Clark and Smith properties), lead-based paint is expected to be present. The potential presence of this hazardous material may result in the accidental release of lead-based paint into the environment if these structures are removed or disturbed. This would result in a significant impact (Impact HZ-4).

*Merriam Mountains Project
Environmental Impact Report*

*Significant Environmental Impacts - Subchapter 3.3
Hazards and Hazardous Materials*

- Hazardous residue from pesticides may be present on the Kim Property and Smith Property from past agricultural operation. The potential presence of these hazardous materials could adversely affect future residents of this site from exposure and could result in the accidental release of organochlorine into the environment during the removal of structures or grading during construction. This would result in a significant impact (Impact HZ-5).
- Based on the Phase I investigations, it is possible that unknown contamination or buried hazardous materials could be encountered during site grading. The Phase I recommends the preparation of a soil management plan to establish procedures for the notification, monitoring, assessment, sampling and testing of impacted soil and/or groundwater, and the storage and proper disposal of contaminated materials that may be encountered during the excavation and grading phase of site redevelopment.

b. off-site

None of the Phase I reports identified any offsite facilities that appear to represent a potential source of migration of hazardous substances to soil or groundwater to the project site. Therefore, off-site impacts would be less than significant.

Guideline 2: Expose people or the environment to significant hazards through the routine transport, use, or disposal of hazardous materials.

a. on-site

Petroleum products, such as vehicle equipment fuel, may be transported and stored at the project site during construction, and chemicals, oil, paint, and solvents would be used during construction and operation of the proposed project. Herbicides may be used prior to grading and during operation of the project to clear and maintain vegetation, and fertilizers may also be used to maintain vegetation and landscaping. All transport, handling, use and disposal of substances such as petroleum products, solvents, and paints related to construction, operation, and maintenance of the proposed development would comply with all federal, state, and local laws regulating the management and use of hazardous materials. The adherence to statutory standards and practices of the proposed project components would reduce the risk of exposure of people or the environment to significant hazards through the routine transport, use or disposal of hazardous materials. Therefore impacts would be less than significant.

No use of extremely hazardous materials such as gaseous chlorine or other chemicals is proposed. Propane storage tanks, septic systems, and any associated piping currently located on

~~the Clark Property, Kim Property and Smith Property could result in a significant impact to the environment during site preparation activities (Impact HZ-6).~~ However it should be noted that the project would be required to comply with local and state regulations and adherence with these standards would reduce the risk of release of hazardous substances. No extraordinary risk of accidental explosion is anticipated with development and implementation of the proposed project. Therefore, impacts would be less than significant.

As discussed under the Existing Conditions section above, the site is not located within any listed hazardous materials sites. Therefore, no impact to listed hazardous materials sites would occur.

b. Off-site

Two chlorine stations were identified in the Phase I Environmental Site Assessment Report Merriam Property; however, their listings were in regards to the handler of hazardous waste not obtaining a valid San Diego County Health Permit and lack of availability of initial and annual refresher training for personnel. No reports of any spills or potential hazardous concerns were listed. Since chlorine is considered a hazardous substance it should be noted that these sites are located, in an adjacent valley, approximately 1,875 feet and 2,625 feet west of the project site. Chlorine facilities are required to comply with applicable regulatory requirements that regulate extremely hazardous substances including the California Accidental Release and Prevention (CalARP) Program and associated Risk Management Plan requirements which reduce the potential for these sites to present a significant hazard to the public or the environment.

3.3.2.4 Cumulative Impact Analysis

Projects in the vicinity of the proposed project considered for the analysis of cumulative hazards impacts are mapped on Figure 1.6-1 and listed in Section 1.6. From the list of cumulative projects, the industrial (cumulative project number 15), farming/equestrian (cumulative project number 17 and 28), medical health, mixed use (cumulative project numbers 21, 30, 48 and 63), and retail development (cumulative project number 14) projects were included as the study area for cumulative hazards impacts. This study area was chosen on account of these projects having the potential to contribute to a cumulative hazard impacts due to the potential of transportation and handling of hazardous substances upon project completion. This is an appropriate cumulative study area for hazards because the typical hazards in the vicinity are site specific. It should be noted that the Phase Is performed for the proposed project evaluated identified sites in the vicinity of the project that are listed on governmental databases for their potential or actual releases of hazardous substances to the environment and none of these sites were identified to present a potential source of migration of hazardous substances to soil or groundwater beneath

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Environmental Impact Report**Significant Environmental Impacts - Subchapter 3.3
Hazards and Hazardous Materials*

the site. As noted in the analysis above, the project would not result in a significant impact to hazards from the transport of hazardous materials as the project would comply with federal, state, and local laws related to the transport and handling of hazardous materials. With each of the identified cumulative projects also complying with these laws, the cumulative impact related to the release of hazardous materials would be less than significant. Therefore, no cumulative hazardous materials and hazardous waste impacts would be expected and the project does not contribute to an existing cumulative situation.

Cumulative Impacts are also discussed in the Cumulative Technical Report provided as Appendix R of this Draft EIR.

3.3.2.5 Growth Inducing Impacts

The Phase I reports prepared for the proposed project did not identify any existing hazardous concerns that could cause impacts to future growth surrounding the project site, that would not be mitigated by the proposed project. The development of residential units, parks, and general commercial uses would not result in generating hazardous materials that are not permitted to be located within residential neighborhoods. Any hazardous waste generated for the general commercial facilities would be required to comply with local, state, and federal laws in regards to proper handling and disposal. Therefore, hazardous impacts from potential growth inducement would be less than significant.

Summary of Impacts

The following hazardous materials and hazardous waste impacts have been identified.

- HZ-2 Impacts to the environment from lead contaminated soils.
- HZ-3 Potential accidental release of asbestos into the environment
- HZ-4 Potential accidental release of lead based paint into the environment.
- HZ-5 Exposure of people to soils contaminated from pesticides (organochlorines) and accidental release of organochlorine into the environment.
- HZ-6 Release of contaminated materials from existing AST and septic systems located onsite.

*Merriam Mountains Project
Environmental Impact Report*

*Significant Environmental Impacts - Subchapter 3.3
Hazards and Hazardous Materials*

HZ-7 The potential to encounter unknown site contamination (i.e. stained soils, buried debris, etc.) during site construction.

3.3.2.6 Mitigation Measures

Prior to issuance of grading permits, the applicant shall perform the following actions:

M-HZ-2 To address contamination related to the area of lead shot and the areas of potential pesticide contamination on the Kim and Smith properties, the applicant shall enter into the County of San Diego Department of Environmental Health (DEH) VAP program for oversight of the site remediation.

A Removal Action Plan shall be prepared for DEH's review and approval to remove lead shot bullets (i.e., vacuum and/or removal of the upper few inches of soil) (see Appendix I for specific location) for offsite disposal at an approved facility. This mitigation measure shall be implemented prior to issuance of a grading permit for the portion of Lawrence Welk Court through the contaminated area and prior to commencement of any revegetation activities in the contaminated area.

M-HZ-3 Prior to issuance of a building or demolition permit, an asbestos survey shall be performed by an asbestos consultant or site surveillance technician as defined in Title 8, CCR, Article 2.6, Section 341.15 for all onsite structures that will be disturbed by demolition/renovation activities in accordance with local, state and federal regulations. Should asbestos containing materials or other hazardous building materials be encountered in the site structures, a licensed abatement contractor must remove these materials prior to commencement of demolition activities.

M-HZ-4 Prior to issuance of a building or demolition permit, a lead-based paint survey shall be performed by a Certified Lead Inspector/Assessor as defined in Chapter 8, Division 1 of Title 17 of the CCR for all onsite structures that will be disturbed by demolition/renovation activities in accordance with local, state, and federal regulations. Should lead-containing surfaces or other hazardous building materials be encountered in the site structures, a licensed abatement contractor must remove these materials prior to commencement of demolition activities.

M-HZ-5 Any septic systems and above ground storage tanks located onsite shall be removed and/or closed under permit and approval of the DEH prior to issuance of a grading permit.

- M-HZ-6 Prepare a soil management plan to establish procedures for the notification, monitoring, assessment, sampling, and testing of impacted soil and/or groundwater, and the storage and proper disposal of contaminated materials that may be encountered during the excavation and grading phase of site redevelopment. The Soil Management Plan shall be prepared and implemented as part of the project SWPPP.
- M-HZ-7 During grading or excavation work for the proposed project, the contractors shall observe the exposed soil for visual evidence of contamination. If visual indicators are observed during construction, the contractor shall stop work until the material is properly characterized and appropriate measures are taken to protect human health and the environment. The contractor shall comply with local, state, and federal requirements for sampling and testing, and subsequent removal, transport, and disposal of hazardous materials.

3.3.3 Conclusion

Wildfire Hazards Conclusion

The requirements of the Merriam Mountains Fire Protection Plan would be implemented in conjunction with project development. This mitigation measure (M-HZ-1a)(implementation of the Merriam Mountains Fire Protection Plan along with the incorporation of the project fire protection features (M-HZ-1b) and the enhanced construction features (M-HZ-1c) impacts to people or the environment from wildfires (i.e., Impact HZ-1) would be reduced to less than significant because they represent the best available technologies for fire protection and the rate of spread of fire would be reduced enough for adequate response by the fire authority having jurisdiction for the proposed project. The project would incorporate features such as firefighting emergency access routes and the installation of fire hydrants to provide enhanced fire protection services for the proposed project and the vicinity. In addition, cumulative emergency response would be mitigated by the project's traffic mitigation that would improve or contribute to traffic flows. The freeway mainline segments, while unmitigable would allow emergency vehicles to pass on the paved shoulders.

Hazardous Materials and Hazardous Material Sites

Implementation of the proposed project would result in potentially significant impacts as a result of hazardous materials. The above mitigation measures are required to mitigate the project's hazardous impacts. Implementation of the mitigation measures listed in Section 3.3.2.1 would reduce potential hazardous impacts to less than significant as discussed below.

*Merriam Mountains Project
Environmental Impact Report*

*Significant Environmental Impacts - Subchapter 3.3
Hazards and Hazardous Materials*

Mitigation measure M-HZ-2 would reduce the potential impacts from existing lead contaminated soil (which may occur through vacuuming the lead and/or removing the upper few inches of soil), and from, potential soil contamination from pesticides (HZ 2 and HZ 5) by removing and properly disposing of the source. Mitigation measure M-HZ-3 would reduce Impact HZ-3 to less than significant by properly testing and removing potential asbestos from existing structures on-site. Impact HZ-4 would also be reduced to less than significant with the implementation of M-HZ-4, which would properly test and remove any sources of lead-based paint located within any existing structures on-site. Implementation of M-HZ-5 would reduce potential impacts from existing septic systems and ASTs through proper removal and/or closure prior to site preparation activities, therefore impacts would be reduced to less than significant. Impact HZ-6 would also be reduced to less than significant with the implementation of M-HZ-6, which would ensure the storage and proper disposal of contaminated materials that may be encountered during the excavation and grading phase of site redevelopment. Impact HZ-7 would also be reduced to less than significant with the implementation of M-HZ-7, which would ensure observation for soil contamination during grading or excavation.

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February 16, 2008

To Whom It May Concern:

I am a resident of North San Diego County. My home lies between Escondido and Mountain Meadows and I travel regularly to the North Twin Oaks Valley to the facility where my horses live.

Like every other resident I know here and in the Twin Oaks Area, I am gravely concerned at the possible over development called Merriam Mountain. My reasons are many and varied and I will list them individually.

*Traffic at Deer Springs/Centre City/I 15 and Mountain Meadows (which all come together at the same place) is already a nightmare. Every weekday there is a mess there. No matter how many signals are added....nothing helps. Some mornings it takes 3 signal changes to get across the bridge over I 15. That intersection is among the most congested and complicated along the I 15....already.

*Consider the Witch Creek Fire evacuations of the Deer Springs Fire District. Mountain Meadows, North Broadway, Jesmond Dene and Deer Springs all have many single entry and exit communities, and all of us must exit to that intersection. Getting out of Mountain Meadows took HOURS. Thank God the fire did not come up the hill to Mountain Meadows....people were out of their houses, but could not get off the hill due to congestion at that intersection. North Broadway was directed to go North....the 15 is the only way north....again at that same intersection. We were specifically instructed NOT TO GO WEST,SOUTH or EAST. Think about it.....the fires will come from the Valley Center/Ramona direction. Just stop for a minute and use your common sense. This area will eventually burn. Accept it as a fact. Don't put 2700 more residences, people who, yes, will have to get out, at that same intersection.

*Our close friend was very high up in fire protection for the area, he is now retired. We have consulted with him and with numerous building experts. There is no such thing as a structure that will not burn unless it is a bunker, (and people will just cook inside one of those). Children will leave plastic toys outside. There will be wooden fences, fire wood piles, cars, gas for lawn mowers.....all that, and much more, is fuel. Mothers WILL evacuate their families. Are you telling me that asthmatic children will survive smoke choked air? They will be at that intersection, or at Gopher Canyon along with half of Valley Center, trying to get out. We evacuated due to the fire, but lived through 4 days of choking smoke and falling ash and soot, did you? If you did you would not put more people here.

*Water – where are you going to get more water? We are already conserving. Can you manufacture more?

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FEB 21 2008
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AND DEVELOPMENT

*I 15 – currently a nightmare, is not going to get any better, no matter how many new lanes are added. Commute it with my daughter some time. Simply too many people use the I 15 north and south. When it clogs, guess which intersection is used to dump traffic. You've got it! Deer Springs, Mountain Meadows. It clogs Escondido, Deer Springs and the 78, which is already overused.

**By the way....don't make the mistake of thinking that the Sprinter is going to take a huge load off of the 78. Parking challenges, location of stations, passenger safety...c'mon!

*This area is rural in nature and philosophy. Take a drive down Jesmond Dene, Gopher Canyon, Old Castle, North Twin Oaks. Consider the density guidelines for the area. This proposed development simply does not fit. Don't compromise your principles. Don't sacrifice your constituents. Don't allow this Los Angeles/Orange County/Riverside County type development. WE are different, thank goodness. Lets keep it that way.

*We don't need more commercial. Already in a short drive to town, (yes we say that here), we can reach in 10 minutes 5 grocery stores, Costco, Walmart (God knows we don't want any more of those) more than 50 opportunities to eat, 4 gas stations, 2 sets of theatres, Best Buy, Staples, Lowes, Home Depot.....what more do you want? Just totally unnecessary. Just don't add more commercial. Increasing your tax base is not worth the compromises to quality of life, habitat and the environment. Let North County remain uncrowded and uncomplicated. Don't turn us into Mira Mesa!

Noise pollution, air pollution, destruction of natural habitat (bob cats, coyotes, mountain lion migration, raccoons, birds, yes a deer now and then, hawks, falcons, golden eagles, owls, butterflies.....the list is long and varied), destruction of natural slopes, historic sites, too high of density, commercial mess and all it brings. This is not progress, it is malignancy. Please stop it.

Thank you for your time.



Cathie White

26745 N. Broadway
Escondido, CA 92026
760 741 8009

Stevenson, Christine

From: Rosalind Orner [rorn@ucsd.edu]
Sent: Friday, February 15, 2008 2:19 PM
To: Stevenson, Christine
Subject: Thank You -- Re: Merriam Mountain designation

Hello Christine,

No questions, yet. A great big THANK YOU.

Rosalind

Stevenson, Christine wrote:

Good Afternoon Rosalind:

The Merriam Mountains project is proposing to change the General Plan in conjunction with their project. The land use designations would change when the whole project was approved, not before. Here's a summary of the existing and proposed land use designations:

General Plan Regional Categories

- Existing: Estate Development Area, Current Urban Development Area
- Proposed: Estate Development Area (smaller than existing), Current Urban Development Area (larger than existing).

General Plan Land Use Designations

- Existing: Residential (1, 17, 18, 19); Commercial (13) and Industrial (15)
- Proposed: Specific Plan Area with overall density of 1.16 dwelling units per acre. The proposed Specific Plan includes single family, variable residential, multi-family, commercial, community park, natural park, biological open space, and other open space.

If the project area developed under the existing General Plan, the number of units would be 345, and there would be 3.5 acres of general commercial and 27.2 acres of industrial. See section 5.3 of the DEIR for more details.

If the project area developed under General Plan 2020, the number of units would be about 64, and there would be 15 acres of general commercial and 50 acres of office professional. See section 5.6 of the DEIR for more details.

I'm not sure that I've answered your question or not, please let me know?
Christine Stevenson

From: Rosalind Orner [mailto:rorn@ucsd.edu]
Sent: Friday, February 15, 2008 9:36 AM
To: Stevenson, Christine
Subject: re: Merriam Mountain designation
Importance: High

2/15/2008

Hello Christine,

Please let me know if the Merriam Mountain project and area has a new designation.

In other words - has the designation changed from the earlier General Plan and/or General Plan 2020.

is it urban or rural ?

I believe old GP considers it to be rural.

or

is it 80 or less dwelling units (old General Plan)

is it 300 plus or minus, dwelling units (GP 2020)

or already changed to 2700 dwelling units.

If there is no change at this time, at what part of the DPLU process would MM project have its new designation.

Please clarify and if you don't know what I am asking, it is because I don't speak 'dplu' i.e., not sure which word(s) to use.

Your time and help is appreciated. Thank you.

Rosalind

760.751.7080

RECEIVED
FEB 07 2008

DEPARTMENT OF PLANNING
AND LAND USE

February 5, 2008

Karen Binns
2637 Deer Springs Place
San Marcos, CA 92069

Glenn Russell
Interim Deputy Director
Department of Planning and Land Use
5201 Ruffin Rd., Ste. B
San Diego, CA 92123-1666

Re: Merriam Mountains EIR response review time

Dear Mr. Russell,

I am an abutting neighbor to the Stonegate/Merriam Mts. Project. They have acquired 3 parcels abutting my property to the south, west, and north of us. This area will contain the major 4 lane Meadow Park Lane and 77+condos all abutting our equestrian property. We have resided here for 20+ years and this massive project is not what we envisioned for us as we head toward our retirement years.

I am writing regarding the review time to review the response to comments for the Stonegate/Merriam Mountain EIR. I have been told that the responses will only be posted on line and that we will only have 10 days to review the comments. I was told that there were several thousand comments submitted to the EIR. I feel that this will be a severely limited time to review the responses. I think that in fairness to all those people who submitted comments to the EIR (we submitted 14 pages of comments) we should have sufficient time to be sure that our comments as well as the others have been adequately addressed. Due to the massive size of the EIR (5 volumes including appendices) that we need a minimum of 30 days to review the response to comments.

We would greatly appreciate you considering a time extension. Thank you for your time.

Sincerely,



Karen Binns

Stevenson, Christine

From: Loy, Maggie A
Sent: Monday, February 04, 2008 4:43 PM
To: 'Pauline Hadley'
Cc: Stevenson, Christine
Subject: RE: EIR ON STONEGATE

Pauline- The project manager is Christine Stevenson. You may contact her on project details and me on environmental questions.
-Maggie.

From: Pauline Hadley [mailto:phadley@mac.com]
Sent: Monday, February 04, 2008 4:21 PM
To: Loy, Maggie A
Subject: Re: EIR ON STONEGATE

THANK YOU! I was wondering what was going on there. Do we contact you, or who is the project manager these days?

If this project goes thru, I am moving to Sedona, AZ!! Poor little Deer Springs Road will be too congested for safety, I am afraid. The viability of new construction is poor for many years, in this area. Those sub prime loans or whatever the real story is, have caused problems, haven't they?

Thank you again for updating me. Remote hilltop villages with no public transportation, with gas prices, no evacuation, will present insurance challenges as well. My fire ins. went up \$500 from last year. Same coverage. Hope the fires are not horrible again this year, when the Santa Ana winds blow. I moved my "office" from Deer springs, afraid of the fires burning up my computers and records. I keep my office in Lake San Marcos now. Hopefully a bit safer. The future will be most interesting. Pauline

On Feb 4, 2008, at 2:14 PM, Loy, Maggie A wrote:

Hi Pauline,

This project is in its environmental impact report (EIR) phase. The draft EIR went out for public review last August and the County is in the process of responding to the public and agency EIR comments. The County will decide whether the EIR and responses to comments are adequate for hearing this spring and if ready, the project would go to two hearings this summer (Planning Commission and Board of Supervisors). If the EIR is not adequate it may require revisions and an additional public review, possibly adding a year to the process.

Thank you for your interest,
Maggie Loy
Environmental Planner
Department of Planning and Land Use
County of San Diego, MS0650
5201 Ruffin Road, Suite B
San Diego, Ca 92123-1666
Phone: (858) 694-3736
Fax: (858) 694-3373
E-mail: maggie.loy@sdcounty.ca.gov

From: Pauline Hadley [mailto:phadley@mac.com]

2/5/2008

Sent: Friday, February 01, 2008 5:31 PM

To: Loy, Maggie A

Subject: EIR ON STONEGATE

Pauline Hadley
306-n W. El Norte Pkwy #423
Escondido, Calif. 92026
Phone 760 744 4395

email: phadley@inetworld.net

DEAR MAGGIE: WHAT IS THE STATUS OF STONEGATE AKA MERRIAM MOUNTAINS PROJECT? I CALLED ERIC B. BUT HE NEVER CALLED BACK. PERHAPS YOU CAN LET ME KNOW WHOM TO CONTACT WITH MY QUESTIONS? THANK YOU. PAULINE HADLEY

2/5/2008

1-09-08

To: San Diego County
DPLU; Fax 1-858-337-3694

Attn: Christine Stevenson

From: Eleanor Filkins, Pres.

Friends of Twin Oaks Valley

Re: Stonegate - Merriam Mountains Development

Congratulations on your new position!

Attached are two more pages of Resident of the Merriam Mountain area who are opposed to the development of 2700 homes off I-15.

If you wish to communicate with me my phone # is 760-744-8827.

From: Goginntonic@aol.com

Sent: Friday, January 04, 2008 10:03 AM

To: Stevenson, Christine; LUEG, DPLU; gcourser@hotmail.com; Horn, Bill; rhfrey@earthlink.net; Kohatsu, Sachiko; Slater, Pam; Cox, Greg; rw-peterson@cox.net; PatsyFritz@aol.com

Cc: dougalter@cox.netfource

Subject: response from Brian Baca dated 12/18/07

from Tere Renteria

28453 Tricia Place Escondido, CA 92026

Mr. Baca:

Thank you for your response. I realize that the county has many mandates regarding fire safety, water management, infrastructure, etc. However, over the years these mandates have not meant much to the supervisors, nor to other governments, as they proceed to allow irresponsible housing developments in trade for developers absorbing the cost of infrastructure.

We have sprawl that if allowed to continue, there will be no open land between Imperial county and Orange county and beyond. I don't believe that it is government's responsibility to overlook the fact that infrastructure should come first, not housing first. I also don't believe that they should have the authority to change the zoning of land to allow thousand's of new homes where only a few have been designated for that property.

That being said, there is now the concern of global warming. It is now incumbent on our leaders to think "green" and consider "emissions" from massive housing projects such as the Merriam Mountain project. I believe strong arguments can be made by environmentalists regarding development permits and availability of water supplies as well as fire protection and traffic emissions. I understand that there are plans to have some areas in the development designated, open space, however, the original zoning on that property allowed for considerably much more open space.

I happen to live near this project and believe that the zoning should remain intact. There are enough issues with this property already that should be addressed currently.

Once again thank you for your response. Here's hoping the Sup's do what's right and reject this project for the sake of the environment and the county.

Tere Renteria

Start the year off right. Easy ways to stay in shape.

<http://body.aol.com/fitness/winter-exercise?NCID=aolcmp00300000002489>

From: Bernard Hayes [mailto:benhayes71@hotmail.com]
Sent: Monday, November 05, 2007 6:50 PM
To: Loy, Maggie A; Jones, Cheryl
Subject: Merriam Mountain Development Proposal

We are fairly long term residents of Lake San Marcos. Recently we have been studying the Merriam Mountain Development proposal for the area west of I-15 and north of Deer Springs Road. We are stunned that you are being called upon to consider a proposal of this magnitude in this location at this time. It is our fervent hope that you will recognize that this plan is so deeply flawed that it should be rejected for a considerable number of reasons.

The aspects of this development that are of greatest concern to us include the following...just to name a few. This project's:

1. **Very size** in terms of impact on the County as a whole; 2,700 new residences!
2. **Destruction of irreplaceable agricultural lands.**
3. **Density of development** given the size of the area under consideration.
4. **Violation of existing County's Resource Protection Ordinance.**
5. **Traffic impacts** subsequent to "build out."
6. **Critical resource depletion** such as water consumption.
7. **Irreversible wildlife impacts** the minute 4-year-long construction begins.
8. **Adverse Fire safety** access and egress issues.
9. **Existing Real estate inventory** impacts.

Given that the proposers of this project have submitted an EIR that actually recognizes many of the very adverse impacts cited above along with other adverse impacts of significance, please reject this proposal firmly, clearly and quickly. This is a matter that provides decision-makers with your opportunity to show that our system actually works.

Please don't disappoint us.

Sincerely,

Mariann & Bernard R. Hayes
1241 Las Vistillas Lane
Lake San Marcos 92078
760.744.6558
Benhayes71@hotmail.com

From: JHM12345@aol.com [mailto:JHM12345@aol.com]
Sent: Monday, November 05, 2007 3:25 PM
To: Loy, Maggie A
Subject: Re: Twin Oaks Valley/Meriam Mountain Project

Dear Maggie; I want to let the county Supervisors know that I and most of my neighbors oppose the Merriam Mountain project slated to be developed between Deer Springs Road and Bonsell. After this past week of fires maybe they will understand the concerns the Deer Springs Fire Department has about the project, too. In addition, it will impacted our Deer Spring Road/Twin Oaks Valley Road to say nothing of the 15 Freeway. But I gather that is not the Supervisors concern!

The County Supervisors concern are currently and have almost as long as I've live here allowing the Highway Patrol to disregard the 3 Tons only sign on Twin Valley Road! So we now have large freight trucks using the Twin Oaks Valley Road as a short cut from the 15 to the 78 or vice versa! I am certain if the Merriam Mountain project is approved the Golden Door will relocate! That will be a big Tax loss for the County! We have experience drought like conditions over the past two years. Allowing all of those homes to be built will put a severe drain on the water system.

We have live in the Twin Oaks Valley since 2003, having moved from Rancho Santa Fe. I am surprised at the lack of concern the County Supervisor's have for the residents of the Twin Oaks Valley. You are considering Terri (at the back door of the Golden Door). The traffic they will bring will great impact our valley. In addition, the young people and adult served by Terri in some cases are terribly disturbed! You are considering Casa Amparo on Buena Creek. When I called Supervisor Horn's Office to inquiry about the possibility of Casa Amparo move in to the Twin Oaks Valley, this is what his staff told me:"Not to worry,it would only be 40 infants!" Well, after double check the Casa Amparo web site, I discovered it was nearly 100 youngsters ages infant to 18. Not just girls but the boys,too. The boys are currently housed in El Cajon. The girls at the Mission San Luis Rey. I was told by a knowledgeable person that the police average at least two calls a month at the Mission San Luis Rey. Those calls are just for the girls. They are run away calls and suicides. Imagine what it be when they get the boys and girls together in the Twin Oaks Valley! Also I understand those children and young adults and their families will need to have counseling together. How will their families get to Casa Amparo, once it moves to Buena Creek. My understand is many of them do not have automobiles! Their aren't any bus lines on Twin Oaks Valley Road! Also in the proposal turned into the County, Casa Amparo mentioned the nearby Adult Education School. Casa failed to mention the other two schools. One an elementary K thru 6th grade school with over 1000 students-Twin Oaks Valley Elementary School. There is also the Foothill School that back's up to the acreage Casa Amipra is to be built on. Those students couldn't handle the normal high school for one reason or another. Great company for the Casa Ampara youngsters. Note also the Twin Oaks Valley Market/Deli. Perfect place for the youngsters to get cigarettes and liquor. Maybe the Supervisors will look into all three of these projects and reevaluate them. Nix all of them! Terri and Casa Ampara would be great additions to the San Pascal Valley area. The County already has their Foster children Program located there. Why not add Teri and Casa Ampara. Tell the Merriam Mountain Project that our mountains are to remain rural!

Maybe the Supervisors should take a field trip out to the Twin Oaks Valley. Sit out here on a normal Monday thru Friday morning 7 to 9 am! Observe the current traffic situation! It is not pretty! Move around the Valley. Observe the three schools. Check out the Walnut Park. then note the Twin Oaks ball fields. Also observe nearby where both Teri and Casa Ampara are program to be built. Then have lunch at the Deli. Observe the in and out of clients. Meanwhile watch the large freight trucks, sand trucks, etc cutting through on Twin Oaks Valley/Deer Springs Road! When your finished you'll have just enough time to watch the reverse traffic cutting through Twin Oaks Valley to get to the 15. Now think about what would happen if you add the 35,000 homes, the stores, park etc.plus new schools for Merriam Mountain Project to that mix also add Teri with its 7,500 car trips a day, then add the icing on the cake Casa Ampara. Now maybe you understand why everyone is so upset? Please rethink your approval of these projects. Thank you

Joanne Howell Murphy
Victoria Ranch
1744 Victoria Way
San Marcos, Ca 92069
760 798-2761

TO: San Diego County, DPLU 10-30-07
ATTN: Maggie Loy, #858694-3373
From: Eleanor Filkins, Friends of Twin Oaks
Re: More Petitions Valley.

Here are some more petitions re:
the EIR. Hope you can include them.
I would have sent them a week ago but
the fires caused me to take longer to get.
Our family left town during the fires.

From: dave burkle [mailto:burklepurdue@yahoo.com]

Sent: Sunday, October 28, 2007 11:06 AM

To: Horn, Bill; Jacob, Dianne; Slater, Pam; Cox, Greg; FGG, District 4 Ron Roberts; Pryor, Gary L; Gibson, Eric; Wallar, Chandra ; FGG, CAO Mail; Snyder, John L; Loy, Maggie A; Jones, Cheryl ; protectsdc@sbcglobal.net

Subject: "The Fires Next Time" - Wall Street Journal - Stonegate Merriam Mountains

Sadly, we are re-learning our lessons from 4 years ago at a cost of over \$1 billion and too many lives. Yesterday's Wall Street Journal Opinion page questioned why government officials continue to allow massive development in our wildland urban interfaces. That article also quotes are senator, Dianne Feinstein as saying "local governments have to begin to look at their zoning" that allows "siting of large subdivisions in the path of Santa Ana winds in parched, dry areas of the state." The article further goes on to state that we must hold homeowners, developers, states, and local communities more accountable.

We will absolutely hold our government officials accountable. The public comments and records are clear on this proposed development. It is, in fact, the poster child for this kind of development run amok in the WUI.

URL for this article:

<http://online.wsj.com/article/SB119344242263173488.html>

From: Kathy Herbert [mailto:khherbert@cox.net]

Sent: Monday, October 22, 2007 1:23 PM

To: Loy, Maggie A

Subject: Re: oppose Merriam Mtn.

As we sit here in the Meadows awaiting news from our fire district, I would like to reiterate my opposition to the Merriam Mtn. development. We have friends that live in The Crosby... a shelter in place community. They were called this am to evacuate. This area is too volatile for such a large project and once again the traffic would be unbelievable.

Kathy Herbert

Stocks, William

From: Pauline Hadley [phadley@inetworld.net]
Sent: Sunday, October 07, 2007 2:34 PM
To: Loy, Maggie A; Stocks, William
Subject: SAVEOURVALLEY.US FLYER

Pauline Hadley
306 W. El Norte Pkwy #423
Escondido, Calif. 92026
Phone: 760 471 1122
Fax: 760 744 1994
Office Phone: 760 744 4395
cell: 760 533 3767
email: phadley@mac.com

MAGGIE, NOTE THE ZIP CODES LEFT OFF, AND NO PROJECT NUMBER, SO THE MAIL WON'T GET TO YOU?

WHOMEVER IS BEHIND THIS IS OUT TO GET THE NAMES, THEN EMAIL THE PEOPLE THAT HE IS TAKING OVER AND PROTECTING THEM? PERHAPS SENDING THEM A BILL FOR HIS DEVELOPER PELTZER ATTORNEY?

BILKING THEM?

I JUST WANT TO PUT THIS ON RECORD, SO PERHAPS A LOCAL NEWSPAPER NEEDS TO KNOW OF THIS STRANGE FLYER WWW.SAVEOURVALLEY.US AND INTERVIEW KEITH BATTLE WHO IS BEHIND IT? BATSTRAT.COM?

Peter A. Orner, M.D., Ph.D.

INTERNAL MEDICINE & BIOMECHANICS OF INJURY

11628 ALPS WAY
ESCONDIDO, CALIFORNIA 92026-7011

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Diplomate, American Board of Internal Medicine
Member, American College of Physicians
Member, American Society of Mechanical Engineers
Member, Society of Automotive Engineers
Clinical Professor of Medicine, University of California at San Diego
Former Professor of Mechanical Engineering, Case Western Reserve University

October 7, 2007

Department of Planning and Land Use
Project Processing Counter
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: GPA 04-06, SP 04-006, R04-013, TM 5381, S04-035, AD 06-007, LOG NO. 04-08-028, SCH NO. 2004091166; MERRIAM MOUNTAINS SPECIFIC PLAN

Ladies and Gentlemen:

I am the President of the Board of Directors of the Deer Springs Fire Protection District (DSFPD). I appreciate the opportunity provided by the Department of Planning and Land Use (DPLU) to critique the Draft Environmental Impact Report (**DEIR**) for the Merriam Mountains Project (**MMP**) referenced above. The analyses and opinions contained herein are solely mine as a physician, former engineering professor, and expert in the biomechanics of human injury, so qualified in State and Federal Courts. My analyses and opinions may or may not reflect the views of the DSFPD.

The object of this critique is the single paragraph in **Chapter 4.0, "Environmental Effects Found Not To Be Significant,"** on page 4-12 of section 4.1.2.1, "Fire Protection Services" [1]:

"The San Diego County General Plan, Public Facilities Element requires that all new development be located within a five minute response time for fire and emergency medical services. The Merriam Plan was analyzed for compliance with the 5-minute response time criteria using specifications and performance data for engine speeds on various road grades obtained from the manufacturer of the current Type I engines used by DSFPD. The "Estate Lots" to the north of the main project is within the five (5) minute response criteria from DSFPD Station 1 based on proximity alone. Using standard recognized engineering principles; the estimated emergency response times for the residential neighborhoods within Merriam were computed starting from the DSFPD Station 2 on Mesa Rock Road extending to the entry driveway for the reservoir tank adjacent to Lawrence Welk Court. Variable speeds along portions of Merriam Mountains Parkway were computed using current design grades for the roads as shown on the Tentative Map. The same type of application was performed in relationship to Meadow Park Lane using a westerly route along Deer Springs Road. Based on this engineering analysis, all of the residential neighborhoods adjacent to Merriam Mountains Parkway; the northernmost residential area along Meadow Park Lane; and the Estate Lots are within the five (5) minute response time criterion from the existing DSFPD fire stations. The DSFPD response capabilities will also be enhanced through the installation of a traffic light controller mechanism for all the signals on Deer Springs Road. Therefore, the portion of the Merriam site within the San Marcos Fire Protection District is located within the five minute response criterion of Deer Springs Fire Protection District Fire Station Number 2 (see Appendix K Fire Protection Plans)."

SUMMARY

As a former professor of mechanical engineering, I unhesitatingly state that the MMP DEIR response time calculations do not represent “standard recognized engineering principles.” The calculations begin with fire engine performance data for steady speeds on given grades. The calculations then proceed with a naive and fundamentally incorrect method of calculating vehicle speeds by assuming that steady speed for each grade, totally ignoring the fact that real vehicles start, stop, accelerate, brake, slow down around corners and in residential areas, etc. The MMP DEIR calculated response time results are not only incorrect, they are meaningless.

EMS response times are vitally important. The fact that these calculations are incorrect de facto removes response times from “Environmental Effects Found Not To Be Significant.”

The MMP DEIR claims a response time of 4.7 minutes from Station 2 to the last neighborhood on Merriam Mountains Parkway at North Tank Road, a distance of 2.86 miles [2]. Calculations using true “standard recognized engineering principles” result in response times which significantly exceed five (5) minutes and violate the existing applicable code [5].

The MMP DEIR has the fire engine leaving Station 2 at 40 mph (see map in Appendix C). This translates to the first one-quarter-mile (1/4 mile) being covered in 23 seconds at 40 mph. An accurate calculation including starting, stopping, accelerating, braking, and slowing at corners shows that the fire engine would not attain 40 mph until it had traveled about one-quarter-mile from Station 2, and that would take approximately 48 seconds, with an average speed of 19.2 mph.

Thus, in the first 9% ($1/4 \div 2.86 = .09$) of the 2.86 mile trip, MMP has already underestimated the response time by 25 seconds. Underestimates in the remaining 91% of the 2.86 mile trip further increase the response time. Bear in mind that the remaining 91% also involves driving down residential streets typically more densely populated than most of the existing DSFPD streets.

Actual data for DSFPD EMS calls further demonstrates the fallacy of the MMP DEIR calculations. The 4.7 minute MMP DEIR response time implies an unrealistic 36.5 mph average speed for the 2.86 mile Station 2-to-North Tank Road trip. Actual DSFPD EMS runs over DSFPD roadways similar to MMP [7] were carefully analyzed for average speeds and response times. The overall average and median values for these average speeds were found to be about 23 mph. Using this real-world data, a simple calculation shows that the associated total response time for 2.86 miles is at least 7.5 minutes. The overall median response time for the analyzed DSFPD EMS runs was found to be about 5 minutes.

All MMP DEIR response time calculations, and not just that for the Station 2-to-North Tank Road trip, are grossly incorrect. All response times must be competently recalculated, using real data. A proper engineering study must be performed before the project moves forward. There is no excuse for the naive and incorrect “analysis” which has been produced.

My sole purpose has been to point out a serious flaw in the MMP DEIR. MMP must provide the solution. The solution to acceptable EMS response times may require additional fire station(s) and/or reducing the length of EMS runs by reducing the size of the project.

ANALYSIS OF THE MMP DEIR RESPONSE TIME CALCULATIONS

The MMP data consists of four(4) sets of grade (0 - 25%) and the associated “pedal to the metal” (maximum) steady speed attainable for that grade [2]. This data for a KME Custom Pumper fire such as used by DSFPD apparently came from a phone conversation with a KME representative, and does not appear in any written document supplied by KME [3]. The data is: 70 mph @ 0% grade, 50 mph @ 5% grade, 26 mph @ 12% grade, and 9.8 mph @ 25% grade. **It should be noted that repeated requests were made to both the DPLU and MMP for details of their consultants’ calculations. Neither DPLU nor MMP has thus far provided the details.**

There is a universally accepted curve (and associated equation) which describes the balance of forces on a given vehicle with a given road horsepower steadily climbing a grade at a given speed. The forces of gravity, air drag (wind resistance), and tire drag (rolling resistance) try to pull the vehicle downhill; the engine horsepower opposes those forces and pushes the vehicle uphill [4]. The curve appears in Appendix B with the MMP data points superimposed on the curve.

The MMP calculations show speeds other than 9.8, 26, 50, and 70 mph. For example, 40 mph frequently appears. The MMP DEIR does not give any indication how the grades for these “interpolated” speeds, e.g., 40 mph, were calculated. The “standard recognized engineering” method is to fit the speed vs. grade curve to the data as was done in Appendix B. There is no indication that this was done by the MMP consultants. Any other method, e.g., simply drawing lines between or through points will lead to inexcusable errors. Further, no real driver would keep the accelerator “pedal to the metal” continuously for several minutes of residential driving.

The MMP DEIR speed calculation is as follows [2,3]: Knowing the grade for a given piece, or segment, of roadway, the speed is (incorrectly) taken from the speed vs. grade relationship, and the transit time for that segment is simply the length divided by the speed. For example, the 23 second MMP DEIR transit time discussed above equals the segment length, 1348 feet, divided by 40 mph (converted to feet per second). All the individual transit times are then simply added together for a total response time. The map of MMP DEIR segment speeds and MMP DEIR segment transit times from [2] is reproduced in Appendix C. Starting, stopping, corners, curves, and slowing for safe driving on residential streets are ignored. **The simplistic MMP DEIR calculation grossly underestimates the individual transit times, grossly underestimates the total response time, and grossly overestimates the speed with which a fire engine will arrive.**

A PROPER RESPONSE TIME ANALYSIS (PRTA)

The total response time is calculated as the sum of the individual transit times, just as in the MMP DEIR approach. However, the PRTA speed in any given roadway segment is not necessarily constant throughout the segment, as it is in the MMP DEIR approach.

In the PRTA speed calculation, the Pumper is assumed to initially be at rest (0 mph) in or near Fire Station 2. It then accelerates on the adjacent roadway to a certain speed calculated from the overall roadway segment length. It subsequently brakes to a lower speed in order to make a left turn at the first intersection encountered (Deer Springs Road). The Pumper then negotiates the left turn, and subsequently accelerates to a certain speed calculated from the overall roadway segment length. It subsequently brakes to a lower speed in order to make a right turn at the next intersection

Critique of Fire Protection Services

Peter A. Orner, M.D., Ph.D. October 7, 2007

encountered (Merriam Mountains Parkway). The Pumper then negotiates the right turn, and accelerates to 40 mph, the constant speed assumed in the MMP DEIR. The PRTA calculations are detailed in Appendix A.

The PRTA calculation says that the trip from Fire Station 2 to a point about 350 feet into Merriam Mountains Parkway has a total transit time of forty-eight (48) seconds, and a total trip length of 1,348 feet. The 350 feet point on Merriam Mountains Parkway is the point at which the accelerating Pumper has finally attained 40 mph.

Recall that review of actual DSFPD EMS records showed an average speed of about 23 mph. If the average speed for the MMP 2.86 mile trip is 23 mph, the response time would be $2.86 \text{ miles} \div 23 \text{ miles per hour} \times 60 \text{ minutes per hour} = 7.46 \text{ minutes}$.

The San Diego County General Plan “travel time” [5] starts when the Pumper wheels begin to rotate, and ends when the wheels stop at the destination [6]. It is the same as our “response time.” If the PRTA calculation is applied to driving the Pumper down the driveway from Fire Station 2 into the adjacent street (it was not), **this will additionally increase the overall response time.**

CONCLUSIONS AND SUGGESTIONS

The response times in the MMP DEIR do not meet County standards. The physical size of the project is a significant factor determining the overall response time. The location of a new fire station is another significant factor. All significant factors must be explored and action taken to bring the overall response time, which appears to be on the order of 7.5 minutes or greater, to no more than the County standard of five (5) minutes. Merely moving Station 2 up into MMP would probably be deleterious, since many Station 2 response times to existing DSFPD destinations already exceed five (5) minutes [7]. Such a move would worsen that situation.

This critique has adopted the County standard of five (5) minutes for fire and EMS response times for comparative purposes. The MMP DEIR response time failed to meet that standard. **It must be pointed out that the five minute standard itself is lacking.** As a physician, I know that the “total time” measured from the moment a patient goes into cardiac arrest to the moment that basic CPR and defibrillation is given, not the “response time,” determines life or death. It is well-known that total times greater than 4 minutes decrease survival rates of “high risk” (e.g., cardiac arrest) patients to almost zero [8]. The National Fire Protection Association (NFPA), apparently recognizing this, recommends a “first responder” EMS response time of no more than 4 minutes [9]. This is not the forum to argue about the County’s response time standard. **I mention the criticalness of four (4) minutes versus five (5) minutes to make the important point that the DPLU is enforcing an EMS response time standard which is marginally adequate at best. Concern about seconds in the calculations is not just an empty academic exercise; it is a matter of life versus death.**

This critique has raised technical questions which demand answers. The naive and inaccurate MMP DEIR analysis is merely expedient, and will not suffice. Merely **stating** that “our consultants have reviewed the plan” and/or that “standard recognized engineering principles have been applied” is not an acceptable answer. There are serious technical flaws in the MMP DEIR which raise technical questions which demand technical answers, not sophistry. Careful analysis at or beyond the PRTA level is required. **The PRTA calculations provide a solid and uncomplicated basic**

Critique of Fire Protection Services

Peter A. Orner, M.D., Ph.D. October 7, 2007

engineering theory which should be augmented with real-world data. An analysis at least at this level must be extended to the entire project.

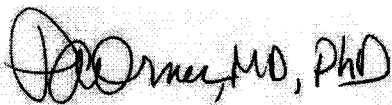
Good engineering practice involves both theory and real-world data whenever possible. It is feasible to gather further real-world performance data for an instrumented KME Custom Pumper in the Deer Springs Fire Protection District. This data could include climbing grades, accelerating, decelerating, cornering, braking, and whatever else was desired. This data could be gathered while County and/or MMP personnel observed. The performance data could then be straightforwardly incorporated into an advanced and competent calculation of response times throughout MMP. I have explored ways to accomplish this, and have arranged for the instrumentation and expertise necessary to gather this data, should the County so wish. This instrumentation and expertise would be available at virtually no cost to the County or the DSFPD.

Real-world EMS response times are often too long in many existing communities, especially our older communities in rural or semi-rural areas. However, this does not justify building a brand-new large urban community with foreseeable medical inadequacies, especially when the means exist to do better.

BIBLIOGRAPHY

1. Merriam Mountains Project, Environmental Impact Report, *County of San Diego Department of Planning and Land Use*, 30 Aug 2007.
2. Appendix E, Response Time Calculation Exhibits for Deer Springs Fire Station's [sic] 1 & 2, *County of San Diego Department of Planning and Land Use*.
3. Presentation by Merriam Mountains Project, *DSFPD Board of Directors Meeting*, 12 Sep 2007.
4. Gillespie, TD, Fundamentals of Vehicle Dynamics, *Society of Automotive Engineers*, 1992.
5. Part XII: Public Facility Element of the San Diego County General Plan, p. XII-11-11, Oct 1993.
6. Personal communication, Maggie Loy, Planner III, *County of San Diego Department of Planning and Land Use*.
7. EMS reports, *DSFPD*, 2006-2007.
8. Pons PT, Haukoos JS, et al, Paramedic response time: does it affect patient survival?, *Academic Emergency Medicine*, 12(7):594-600, Jul 2005.
9. NFPA 1710 Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, *National Fire Protection Association*, 2001 Edition.

Respectfully submitted,



Peter A. Orner, M.D., Ph.D.

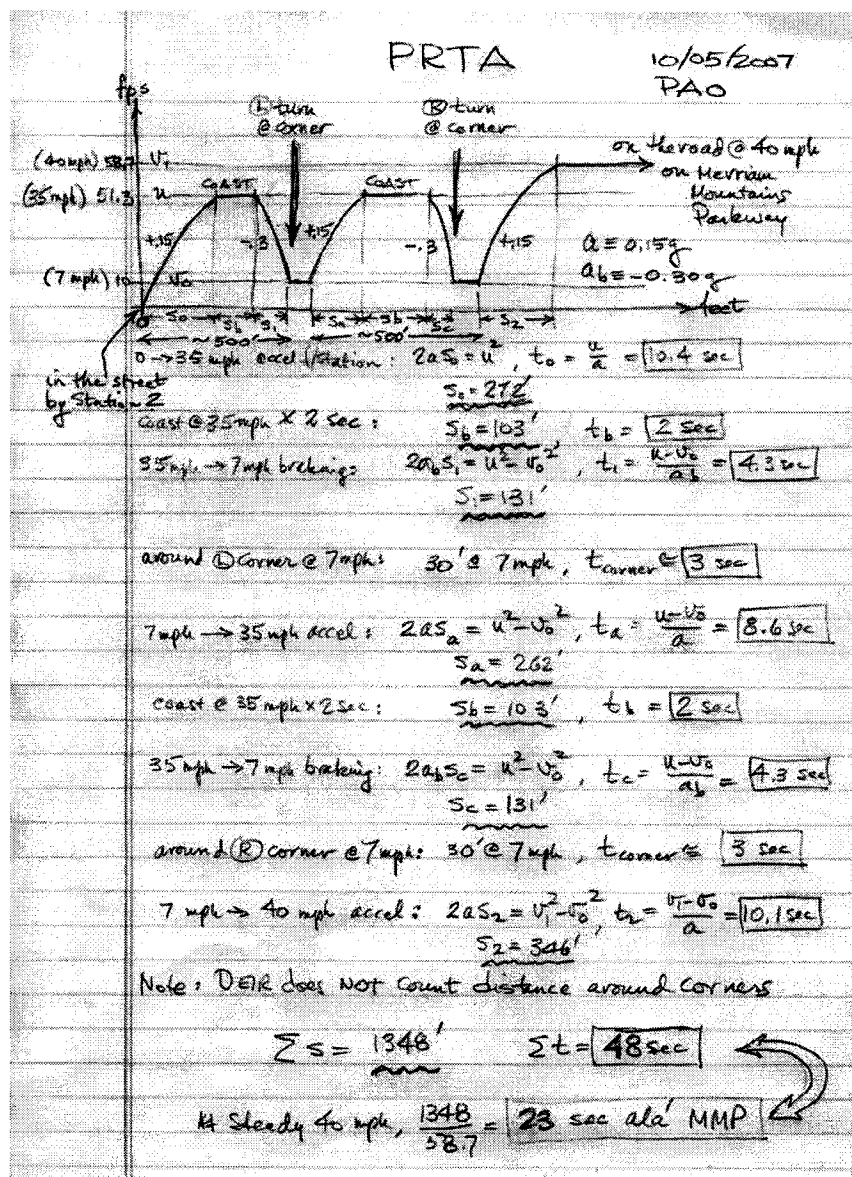
Report//EIR response 2007-10-07.r05.wpd

APPENDIX A

PRTA response time calculations

by P.A. Orner, MD, PhD

This PRTA calculation is conservative, in that it assumes maximum ("pedal-to-the-metal") acceleration and brisk, but not "panic" braking. The real-world response time would be longer than the PRTA estimate, since a real-world driver would drive more cautiously, especially in traffic. The PRTA average speed is $(1348 \div 48) \times (60 \div 88) = 19.2$ mph for a trip consisting of two 500' straightaways, two turns, and starting from a dead stop. This is consistent with the observed DSFPD EMS entire run average speed of about 23 mph [7].



APPENDIX B

Vehicle performance curve and equation fitted to MMP DEIR data

by P.A. Orner, MD, PhD

The vertical axis is the vehicle speed in mph.

The horizontal axis is the grade.

The KME data points are shown as circles.

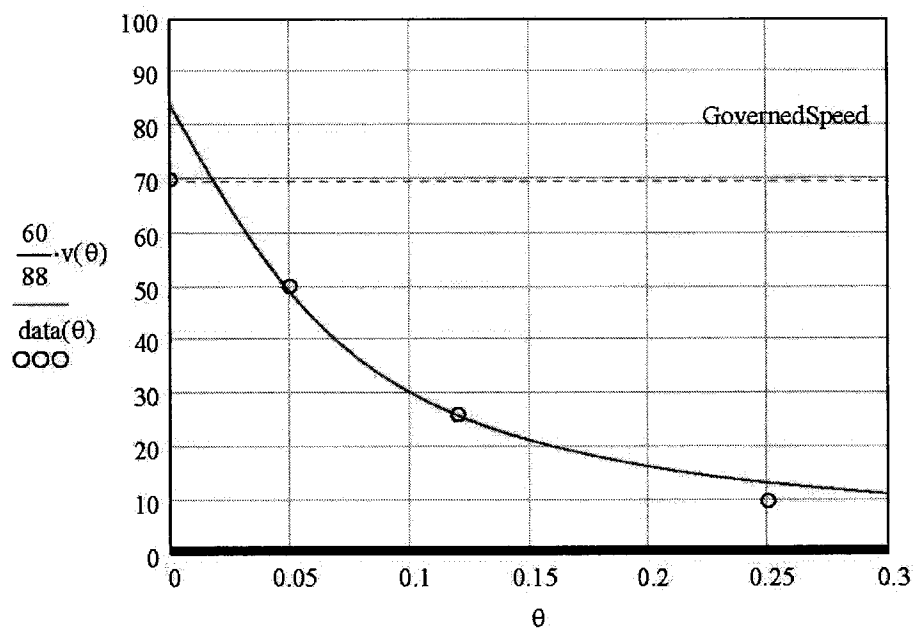
The road horsepower (HP) to fit the curve to the KME data points is about 360 hp, and the gross vehicle weight is about 40,000 lb.

$$HP = v \cdot \left[wt \cdot \sin(\theta) + f_r \cdot wt + f_d \cdot (v + v_w)^2 \right]$$

$$HP = 360 \quad wt = 40000 \quad A = 80 \quad f_d = 0.085 \quad f_r = 0.008 \quad v_w = 0$$

$$\theta := 0, .001 \dots .3$$

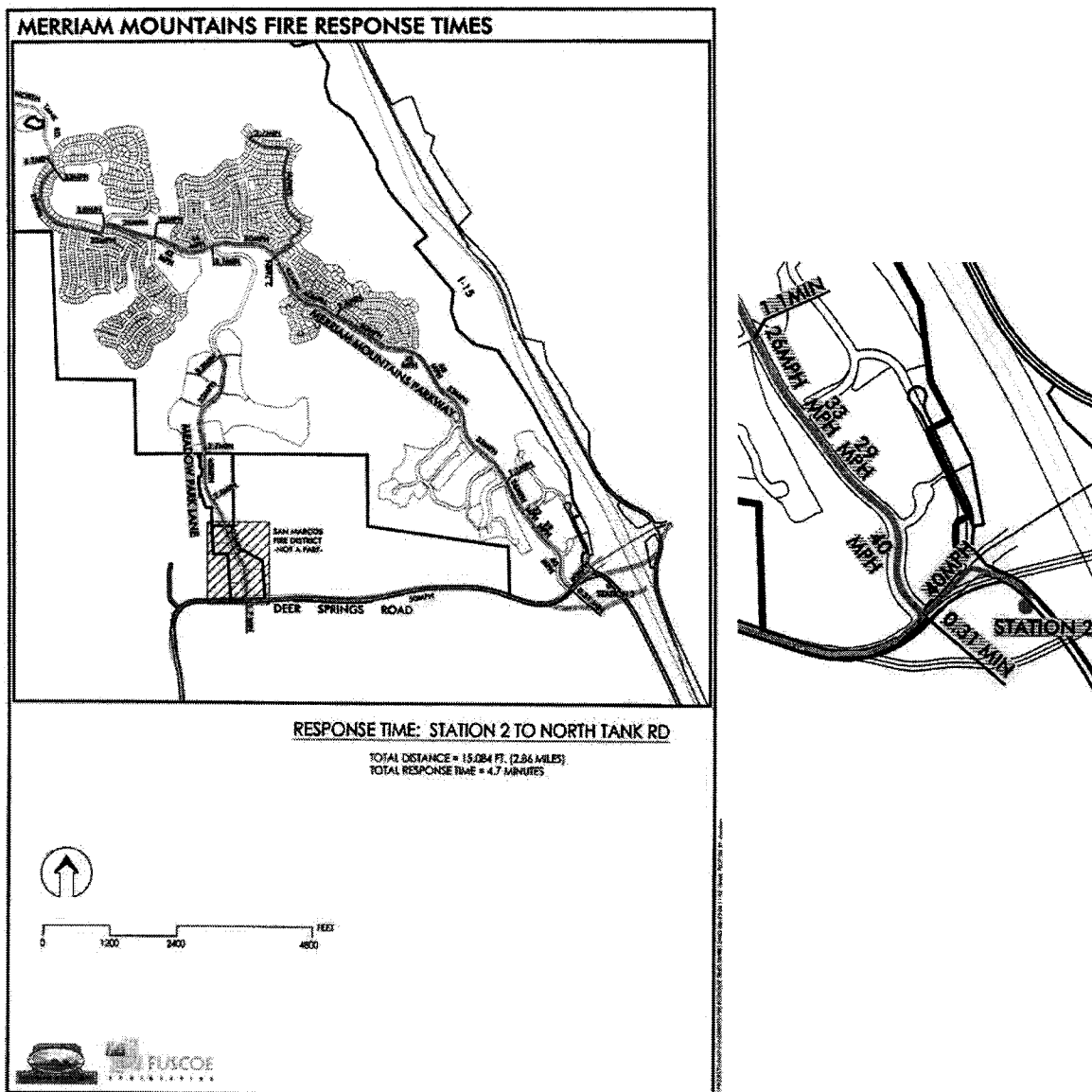
$$data(\theta) := (\theta = 0) \cdot 70 + (\theta = .05) \cdot 50 + (\theta = .12) \cdot 26 + (\theta = .25) \cdot 9.8$$



APPENDIX C

Map of Merriam Mountains Parkway EMS run from [2]

The **PRTA** calculations (see Appendix A) were performed for the roadway leading from Station 2 to a point about 350 feet into Merriam Mountains Parkway. Note the **MMP DEIR** speed notation of “40 MPH” for the trip starting from Station 2, then turning left and then turning right. Note the “0.31 MIN” marking about 1100 feet from Station 2. At 40 mph, a vehicle would cover 1091 feet in 0.31 min. This confirms that **MMP** used a constant 40 mph speed over the roadway analyzed in the **PRTA** calculation.



Stocks, William

From: Pauline Hadley [phadley@inetworld.net]
Sent: Sunday, October 07, 2007 2:30 PM
To: Loy, Maggie A; Stocks, William
Subject: PG 4 OF SAVEOURVALLEY.US

Fire Protection District Board (Deer Springs) rejected the Fire Protection Plan

Twin Oaks Valley Sponsor Group rejects the project

Bonsall Sponsor Group rejects the project

What you can do NOW to prevent this project from going ahead:

1. Write a letter commenting about one of these issues in response to the EIR.
2. Call or write your elected representatives and the County DPLU Agency to express your opinion.

Here's how:

Department of Planning and Land Use (DPLU)
 Project Processing Counter 5201 Ruffin Road,
 Suite B • San Diego, CA 92123 Contact Maggie
 Loy: Telephone (858) 694-3736 • Email:
 Maggie.Loy@sdcounty.ca.gov.
Email or mail our concerns to Maggie Loy.

Vallecitos Water District • 201 Vallecitos de Oro •
 San Marcos, CA 92069 Telephone (760) 744
 0460

*Call the board of directors and remind them we are in
 a drought and postpone the sale of potable water until
 the state is replenished.*

San Marcos City Council • 1 Civic Center Drive •
 San Marcos, CA • Telephone (760) 744-1050 •
 Fax 744-9058.

*Call our City Council Members and tell them widening
 Deer Springs to six lanes is
 unacceptable.*

County of San Diego Planning Commissioners
 Attn: Cheryl Jones • 5201 Ruffin Road, Suite B •
 San Diego, CA 92123 • Or E-Mail
 Cheryl.Jones@sdcounty.ca.gov • Telephone
 (858) 694-3816 • Fax (858) 694-3373
*Send our concerns to the commissioners to deny this
 project!*

San Diego Board of Supervisors • 1600 Pacific
 Hwy Rm335 • San Diego, CA • Telephone (760)
 531-5700

Tell our Supervisors to deny this project.

Save Our Valley

www.Saveourvalley.us • Info Line: 1-800-747-9183

- ☐ I Oppose the Merriam Mountain project
- ☐ I will take a yard sign
- ☐ I will write a letter to DPLU, Vallecitos Water District, Planning Commission, Board of Supervisor.
- ☐ I will speak at the Planning Commission Hearing and the Board of Supervisors
- ☐ I will make phone calls
- ☐ Please contact me for more information

Name _____

**Fill out and mail
 the attached
 postcard
 TODAY!!!**

Save Our Valley
 P.O. Box 1644
 Fallbrook CA, 92088

**Info Line:
 1-800-747-9183**

Pauline Hadley
306 W. El Norte Pkwy #423
Escondido, Calif. 92026
Phone: 760 471 1122
Fax: 760 744 1994
Office Phone: 760 744 4395
cell: 760 533 3767
email: phadley@mac.com

10/8/2007

Stocks, William

From: Pauline Hadley [phadley@inetworld.net]
Sent: Sunday, October 07, 2007 11:01 AM
To: Loy, Maggie A; Stocks, William
Subject: OBJECTIONS ONLY TO YOU ON MERRIAM MOUNTAINS?

HI MAGGIE,

RE: PROJECT # GPA 04-06, SP 04-006, R04-013, TM 5381, S04-035, AD 06-007, LOG NO. 04-08-028, SCH NO. 2004091166; MERRIAM MOUNTAINS SPECIFIC PLAN -

A SUSPICIOUS FLYER WAS MAILED TO SAN MARCOS RESIDENTS GIVING PARTIAL INFORMATION ON COMPLAINTS, AND WE BELIEVE THIS WAS PAID FOR BY STONEGATE, ET AL. MINE CAME TO MY SON, OCT. 6, 2007, AT 902 LA TIERRA DRIVE, SAN MARCOS, CA. 92078, MY LAKE SAN MARCOS HOUSE.

I NEED TO KNOW WHOM ALL TO WRITE TO WITH MY OBJECTIONS ON MERRIAM MOUNTAINS AKA STONEGATE. ALSO, IS EMAIL ACCEPTABLE, OR HARD COPY ONLY? IF WE SEND IT TO ALL ON THE BOARD OF SUPERVISORS, OR JUST TO YOU, DOES IT GET THE SAME ATTENTION?

THEY LEAVE OUT: PROJECT # GPA 04-06, SP 04-006, R04-013, TM 5381, S04-035, AD 06-007, LOG NO. 04-08-028, SCH NO. 2004091166; MERRIAM MOUNTAINS SPECIFIC PLAN -

SOME LOBBYIST HAS BEEN HIRED, KEITH BATTLE, AND HE PRETENDS TO BE ON COMMUNITY'S SIDE, BUT WORKED FOR BILL HORN FOR 7 YEARS, WORKS FOR BUILDERS AND DEVELOPERS, AND MANY PEOPLE ARE FOOLED INTO THINKING THIS "KEITH BATTLE" IS ON THE UP AND UP. WES PELTZER IS HIS ATTORNEY.

HIS WEB PAGE IS BATSTRAT.COM

HIS ATTORNEY HAS WORKED FOR DEVELOPERS ALSO. GREGORY CANYON LANDFILL, ETC.

SAME TACTICS USED FOR THE 2700 HOME DEVELOPMENT FOR NEWLAND IN CHATHAM COUNTY, NORTH CAROLINA, DESTROYING THAT AREA.

THIS BROCHURE THAT I COULD SCAN AND FORWARD TO YOU, CAME TO A HOUSE I OWN AT LAKE SAN MARCOS, THAT MY SON USED TO LIVE IN. HE STILL GETS MAIL THERE.

THEY ARE TELLING THE PEOPLE TO WRITE TO YOU, AND NOT TELLING THEM THE PROJECT #, SO MANY PEOPLE WILL WRITE WITHOUT PROPER IDENTIFICATION OF THE PROPOSED HORROR. CAMINO MAJOR IS ONE WAY FOR INGRESS OF FIRE VEHICLES, ONLY. LAWRENCE WELK LANE IS NOT TO BE USED, SO ALL THESE 5000

10/8/2007

+ VEHICLES COME OUT ON DEER SPRINGS? I WOULD NEVER HAVE A CHANCE TO GET OUT OF MY DRIVEWAY, AND NEIGHBORS HAVE MENTIONED THEY WOULD HAVE TO SHOOT THEIR WAY OUT ALSO. FLAT TIRES DON'T TRAVEL VERY FAST.

I JUST WANT TO MAKE THIS OF RECORD, AS IT APPEARS THAT PERRING AND NEWLAND ARE POSING AS A WOLVES IN SHEEPS CLOTHING, AND MISLEADING THE PUBLIC.

NOT EVERYONE KNOWS HOW TO GOOGLE PEOPLE, OR CHECK DOMAIN NAMES WITH GODADDY.COM, OR WHO OWNS THE SITE, (SOMEONE IN ALABAMA IN THIS CASE), AND THEY DON'T NOTE THE POOR CONTENT, MISSPELLING, OR ITEMS OMITTED, AND ARE FOOLED BY THIS PHONY BROCHURE "SAVEOUR VALLEY.US"

I THINK I SHOULD SEND A COPY OF THIS ALSO TO MY ATTORNEY, FOR GUIDANCE, BUT WANTED TO MAKE YOU AWARE OF THE SCAM. WESLEY PELTZER IS THE ATTORNEY, WHO HAS WORKED FOR DEVELOPERS, USED TO BE ATTORNEY FOR GOLDEN DOOR I HEAR.

I TRULY HATE LEAVING THIS AREA, AS MY FATHER WAS BORN IN RIVERSIDE IN 1900 AND ME IN PASADENA IN 1934. WE OWN CABAZON FACTORY STORES IN CABAZON, MY TWO SONS LIVE IN THIS AREA, AND HADLEY FRUIT ORCHARDS STORE STILL PAYS US RENT FOR OUR CABAZON STORE THAT THE MORONGO INDIAN NATION BOUGHT FROM US. THEY HAVE A HALF BILLION DOLLAR CASINO NEXT TO US, SO INVESTMENTS AND FAMILY MAKE ME WISH TO BE HERE. MY 4.83 AC. HILLTOP HOME ON DEER SPRINGS IS NEXT DOOR TO WHAT WILL BE 77 CONDOS? AND 4 LANE HIGHWAY? I WAS NOT ALLOWED TO PUT ANOTHER HOUSE ON MY LAND, BUT THIS IS COMING?

I JUST WANT IT OF RECORD THAT STONEGATE AKA NEWLAND AKA MERRIAM MOUNTAINS, IS USING UNFAIR TACTICS TO MISLEAD THE PEOPLE INTO SENDING IN LETTERS THAT ARE IMPROPERLY ADDRESSED TO YOU, WITH NO PROJECT NUMBERS. THE PLANNED CREMATION AND SLAUGHTER OF ALL EXISTING AND FUTURE RESIDENTS OF TWIN OAKS VALLEY WHEN SANTA ANA FIRES HIT, NEEDS TO BE OF RECORD.

MY MAILING ADDRESS IS BELOW, AS I TAKE NO MAIL AT 610 DEER SPRINGS ROAD.

AT ANY RATE, THIS PHONY BROCHURE IS GOING OUT TO EVERYONE IN THE AREA, AND THE LEADERS OF GROUPS FIGHTING THIS, GIL JEMMOTT, ROB PETERSON, ELEANOR FILKINS, CAROL SHUTTLEWORTH, TO NAME A FEW, HAVE BEEN FOOLED BY THIS "HELPING HAND" THAT APPEARED OUT OF NOWHERE, WITH THIS HUGE MASS MAILING, GIVING PARTIAL INFORMATION. I JUST WANT TO MAKE THIS OF RECORD. THANK YOU.

PAULINE

Pauline Hadley
306 W. El Norte Pkwy #423

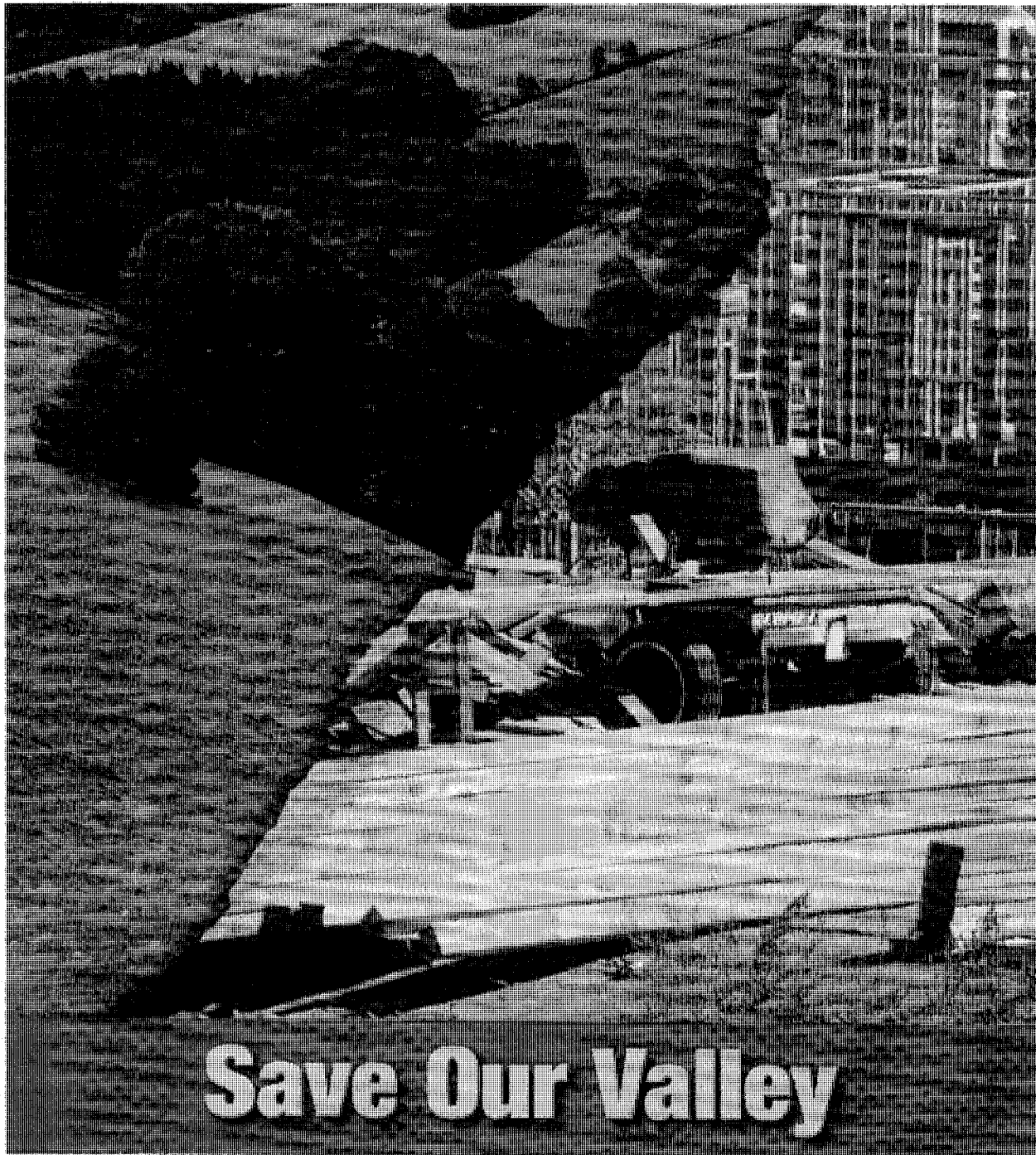
10/8/2007

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email: phadley@mac.com

10/8/2007

Stocks, William

From: Pauline Hadley [phadley@inetworld.net]
Sent: Sunday, October 07, 2007 1:44 PM
To: Loy, Maggie A; Stocks, William
Subject: COVER PAGE OF SAVEOURVALLEY.US



P.O. Box 1644
Fallbrook CA, 92088
Info Line: 1-800-747-9183

*****Ecnor C-014 0 190 2
Mr Brad D Buckley

PRIORITY MAIL
U.S. POSTAGE
PAID
RM

10/8/2007

THIS IS THE COVER OF THE INCOMPLETE MISLEADING FLYER ON SAVING TWIN OAKS VALLEY.

PROJECT # IS NOT MENTIONED, NOR ARE ZIP CODES FOR SOME OF THE ADDRESSES GIVEN.

SMOKE INHALATION OF THOUSANDS WHO CANNOT ESCAPE DUE TO INADEQUATE ROADS IS ALSO NOT MENTIONED.

I WILL SEND THE OTHER PAGES TO YOU NOW.

SOME SUSPECT THAT THIS IS PURPOSELY PUT OUT BY KEITH BATTLE, A REGISTERED LOBBYIST, SO THAT THE LETTERS ARE NOT READ. HE WORKS FOR DEVELOPERS? NOT THE PEOPLE?

JUST WANTED TO TO KNOW OF THIS VERY MISLEADING FLYER, SO THAT PERHAPS AN ARTICLE IN THE NORTH COUNTY TIMES CAN WARN THE PUBLIC?

THANK YOU.

Pauline Hadley
306 W. El Norte Pkwy #423
Escondido, Calif. 92026
Phone: 760 471 1122
Fax: 760 744 1994
Office Phone: 760 744 4395
cell: 760 533 3767
email: phadley@mac.com

10/8/2007

Stocks, William

From: Pauline Hadley [phadley@inetworld.net]
Sent: Sunday, October 07, 2007 1:46 PM
To: Loy, Maggie A; Stocks, William
Subject: PG 2 SAVEOURVALLEY.US

The Facts of the Development of Merriam Mountain

The proposed project at Merriam Mountain will destroy the pristine nature of Twin Oaks Valley and our surrounding communities. Here are some of the facts as stated in the developer's very own EIR;

- Fact 1.** 2700 new residences and 110,000 square feet of new commercial space-basically creating a completely **NEW CITY**.
- Fact 2.** Destruction of 49 acres of unique agricultural property.
- Fact 3.** Residential density far exceeding the County's general plan-a **7000% increase!**
- Fact 4.** Violates the County's General Plan for 2020 which would allow **ONLY** 64 dwelling units on the site.
- Fact 5.** Creation of a massive construction zone for more than 4 years.
- Fact 6.** Exceeds all County noise levels-75 decibels or greater along Deer Springs Road.
- Fact 7.** Violates the County's Resource Protection Ordinance that protects wetlands, slopes and historic sites.

PAGE TWO OF SAVE OUR VALLEY

Pauline Hadley
306 W. El Norte Pkwy #423
Escondido, Calif. 92026
Phone: 760 471 1122
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Office Phone: 760 744 4395
cell: 760 533 3767
email: phadley@mac.com

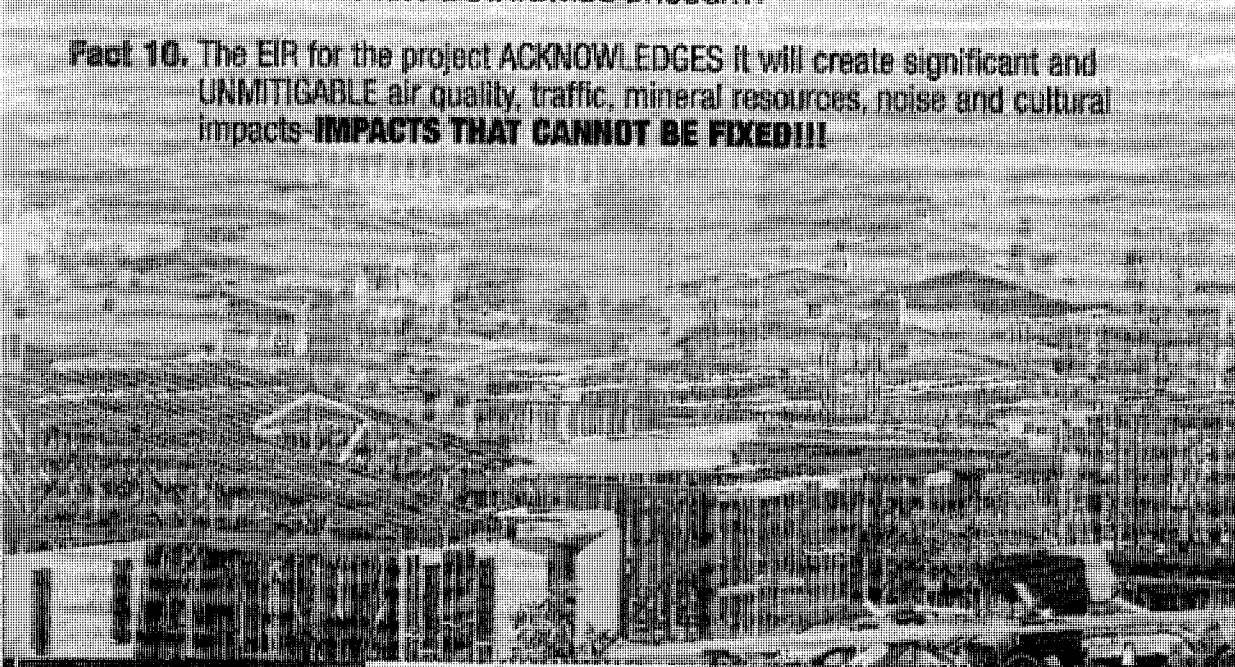
10/8/2007

Stocks, William

From: Pauline Hadley [phadley@inetworld.net]
Sent: Sunday, October 07, 2007 1:48 PM
To: Loy, Maggie A; Stocks, William
Subject: PG 3 SAVEOURVALLEY.US

...the project will consume in excess of 1 MILLION gallons of water at a time when we face a STATEWIDE DROUGHT!

Fact 10. The EIR for the project ACKNOWLEDGES it will create significant and UNMITIGABLE air quality, traffic, mineral resources, noise and cultural impacts **IMPACTS THAT CANNOT BE FIXED!!!**



Please fill out, detach and mail your response today.

We want to hear from you.

Save Our Valley
P.O. Box 1644
Fairbrook CA, 92088

PLACE STAMP HERE

"Keith Battle"
Batsrat.com

PAGE THREE

Pauline Hadley
306 W. El Norte Pkwy #423
Escondido, Calif. 92026
Phone: 760 471 1122
Fax: 760 744 1994
Office Phone: 760 744 4395
cell: 760 533 3767

10/8/2007

email: phadley@mac.com

10/8/2007

Stocks, William

From: Pauline Hadley [paulinehadley@sbcglobal.net]
Sent: Tuesday, October 02, 2007 5:19 AM
To: Linda Bailey
Subject: WIDENING OF THE DEER SPRINGS ROAD

HI LINDA: CAN YOU PLEASE INFORM US THE PLAN FOR DEER SPRINGS ROAD, TAKING OUT THE CURVE, ETC. I AM HEARING THAT YOU NEED TO TAKE 100 FT. FROM THE PEOPLE ACROSS FROM THE GOLDEN DOOR ENTRANCE, AND WONDER IF THAT INCLUDES MY PROPERTY 610 DEER SPRINGS ROAD, AND RON PETERSON'S PROPERTY.

WE HAVE DISCOVERED THAT OUR LEACH LINES ARE OUT FRONT BY PEPPER TREES, NOT NEAR TENNIS COURT AS WE HAVE BEEN TOLD PREVIOUSLY. WE HAVE A WELL, BY TENNIS COURT (THAT IS NOW A PLANT NURSERY) AND HAVE TO STAY 100 FT. FROM WELL WITH LEACH LINES. OR PERHAPS SEWER IS GOING IN AT THE SAME TIME?

I WASN'T PLANNING ON CONNECTING TO SEWER, AT THIS TIME. THE HOUSE NEXT DOOR TO ME IS BUILT RATHER CLOSE TO THE STREET, JUST WEST OF ME ON NORTH SIDE OF STREET ALSO. I THINK IT IS A RENTAL, AND DON'T KNOW WHO OWNS IT THESE DAYS. I AM SURE YOU HAVE THAT IN YOUR RECORDS AND WOULD BE TELLING THE OWNER OF THE PROPOSED CHANGES? I ALSO HAVE A HUGE TORREY PINE, ABOUT 100 YRS. OLD IN MY FRONT YARD, THAT IS ENDANGERED SPECIES. BEAUTIFUL SPECIMEN TREE.

OUR ELECTRIC GATES ARE OUT FRONT, OF COURSE, AND WE HAVE UNDERGROUND PHONE LINES TO IT, OF COURSE, ELECTRIC LINES, WATER LINES ALL ACROSS THE FRONT, AS WE USE BOTH CITY AND WELL WATER HERE. I APPRECIATE ANY INFORMATION YOU CAN SUPPLY ON THE WIDENING OF DEER SPRINGS. THAT IS A VERY DANGEROUS CURVE THERE, AS OFTEN WE HAVE NO ELECTRIC WHEN A CAR HITS THE POLE AT THE CURVE. THANKS VERY MUCH. PAULINE HADLEY

PS YOUR TREES ON YOUR PROPERTY JUST EAST OF US ARE STARTING TO BLOCK VISION AGAIN. WE CAN'T SEE EAST WHEN TRYING TO GET OUT OF MY DRIVEWAY. I DON'T HAVE WORKERS AS I USED TO HAVE, AT PRESENT, SO WOULD APPRECIATE IT IF YOU COULD KEEP THEM TRIMMED. I HAVE DONE ALL OF THE MAINTENANCE ON THEM FOR THE LAST THREE YEARS, BUT I DON'T HAVE TREE MEN EMPLOYED NOW. THEY ARE WILLOW AND EUCALYPTUS, AND GROW QUICKLY, AND PERHAPS YOU WISH TO REMOVE THEM?

Pauline Hadley
mail: 306 W El Norte Pkwy #423
Escondido, CA 92026

10/3/2007

From: Pauline Hadley [phadley@mac.com]
Sent: Monday, September 17, 2007 5:21 PM
To: Stocks, William
Subject: Merriam Mountains EIR

9-17-07

Pauline Hadley
306-n W. El Norte Pkwy #423
Escondido, Calif. 92026
Phone 760 471 1122
Fax 760 744 1994
email: phadley@inetworld.net

Dear Mr. Stocks,

I believe the air quality will make my home uninhabitable for perhaps 5 years, where I cannot lease it out, nor occupy it. I intend to have air quality samples taken professionally. If this development is to be given a go ahead, they need to buy the affected neighbors out first. I am in my 70's and have put 19 years of money and improvements into this property, which my CPA/Attorney has records of. If this planned destruction of my home and nursery is to proceed, the air quality and blasting will be intolerable for at least 5 years. I shall then be in my 80's.

We have records of all expenditures on this property, for which I seek reimbursement, with proper investment returns, so that I can seek another home with nursery with the same privacy and qualities, that this property has. I have 4.83 acres, live on top of a hill, views, breezes, and the house is quite old, so dust permeates easily, thru the single pane leaky windows. Most homes have this "ventilation" where dirt and dust come in, through various cracks. I have always had both my front and back doors open up here on top of the hill, with wonderful breezes blowing through.

Due to the sub prime and credit crunch, I do not think I could get a proper price for any property, but we could use the comps that Stonegate paid for vacant land next door (\$1.7 mil) in 2004 and a smaller lot with house, no pool, behind me as well, that they also purchased for \$1.5 mil in 2004

If this type of cluster housing is what is coming to this area, the infrastructure cannot handle the traffic either. With the shopping center, I read 9400 more vehicles? No matter how much they widen Deer Springs Road, since it is shortcut between 15 and 78, that people wish to take with high gasoline prices. The wider it is, the more people will use it. It is bumper to bumper mornings and nights, over a mile down the road.

These developers have the funds for buying out the affected neighbors, saving us all years in court battles. They must be made to play fair.

The coming recession will only delay this project perhaps 6 years, and with the amount of people leaving the state, more than entering, you may wish to give this careful consideration. There are 6.25 million homes for sale, mostly vacant, in this country of 124,000,000 homes. 5% just sitting there, and after 22 more months of foreclosures, and developers putting more on the market, we could see 10% vacant homes across our country.

My doctors feel I must get away from air pollution, at my age, as I am 74 in April, that breathing that air would kill me. I have a lot of upper respiratory infections, that being my weak area. My attorney can tell me if this is "elder abuse" in the law books, but a wrong is certainly being done here. My air

9/18/2007

quality is being taken away, and my home made unliveable for 6 or more years, until I am 80, and the wealthy developers are not being made to compensate the citizens they are hurting?

Stonegate should have to buy out all those people he is forcing to breathe air that will kill them, if you feel this project meets all other criteria. The fire plan is inadequate, and telling people to stand in some "open area" like a park, with fires approaching, is criminal also. The blasting noise, that will go on for 5 years, will also be very bad. I have not been told how loud this will be, so perhaps you have decibel ratings? This is unfair to all residents in this area. I do appreciate any fairness that you could bring to the "table" on this matter. Sincerely, Pauline Hadley

9/18/2007

Community Response to the Fire Hazard in the Environmental Impact Report
of the proposed Merriam Mountains Development
(Stonegate/Newland's 2,700-home development off of I-15)

The EIR is required to be an informational document with a "good-faith" attempt at giving full and complete disclosure of the environmental problems associated with this development. This has not been done. In fact, the developers have tried to obfuscate and fool the public by leaving out important information about the project's impact on human life. With regard to the fire hazard of this project, the EIR has failed to disclose the following information:

- 1 The Fire Protection District Board (Deer Springs) that governs this area has unanimously rejected the Fire Protection Plan submitted by the developer.
- 2 There is no way to evacuate the 10,000+ people who would be residents of the development in less than 15 minutes. The worst-case CDF scenario involving Merriam Mountain predicted a rapid intense fire that would take only 10-15 minutes to go from the base of the Mountain to the crest.
- 3 The smoke generated would be deadly to residents, especially infants, young children, the elderly, and people with medical problems if they could not evacuate. The medical community has informed the developer of this problem.
- 4 Deer Springs Road is already a failing road (classified a Grade F road by the County). If widened to four lanes and Stonegate is built, it will be a Grade F road. The evacuation of all surrounding communities will be obstructed because of failing road infrastructure.
- 5 The Stonegate/Merriam Mountains project is a "de facto" Shelter-in-Place community. Stonegate's fire experts have defended the safety of this project by stating that people could stay within the project during a worst-case scenario wildfire.
- 6 The developers themselves have written: "There is not adequate time or the resources to provide for an orderly and successful evacuation based on the CDF fire scenarios which predict an extreme rate of burning. During these fire conditions it is the intent of this plan to use the 'Shelter-in-Place' concept with pre-instructed residents remaining inside their homes."

The above facts are very relevant to any decision on whether the development should be approved. If people die in a wildfire because they cannot evacuate and have to resort to "shelter-in-place," it will have been well-documented that the County has ignored the warnings of the public contrary to the spirit of the EIR and in violation of the laws of the State of California.

Signature	Name (printed)	Address	Date
1. Mary Ann Truesdale	Mary Ann Truesdale	2870 N. Twin Oaks	9-28-07
2. Wesley Truesdale	Wesley Truesdale	San Marcos	"
3. Miles Christy	Miles Christy	783 Pebble Beach	"
4. Lucy Christy	Lucy Christy	San Marcos	"
5. Michael Spencer	MICHAEL SPENCER	751 Hillside	9/29/07
		Terlingua Vista	9/30/07
6. Jeff Schalk	JEFFREY A. SCHALK	309 Plaza	9/30/07
		Osido CA	
7. Suellen Shea	Suellen Shea	2127 Camino Cartera	9/30/07
		Vista, CA 92084	
8. Judy Jacot		610 Concord Place	9/30/07
		San Marcos, CA 92069	
9. Ben Munger	BEN MUNGER	610 Concord Place	9/30/07
		San Marcos, CA	
10. Bill Helvin	Bill Helvin	1633 La Bonita Ct	9/30/07
		San Marcos, CA 92078	
Claire Van Aelstyn	CLAIRE VANAEYSTYN	12299 SAGEVIEW RD	9/30/07
		POWAY, CA 92064	
Anna Marie Evans	Anna Marie Evans	4515 Cortes Lane	9/30/07
		Osido 92056	
Eva Depaul	EVA DEPAUL	1112 Rosehill	9/30/07
J.W. Zobia	J.W. ZOBIA	585 DEER SPRINGS RD	9/30/07
Barbara J. Zobia	BARBARA J. ZOBIA	508 Deer Springs Rd	9-30-07

**Community Response to the Fire Hazard in the Environmental Impact Report
of the proposed Merriam Mountains Development
(Stonegate/Newland's 2,700-home development off of I-15)**

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The above facts are very relevant to any decision on whether the development should be approved. If people die in a wildfire because they cannot evacuate and have to resort to "shelter-in-place," it will have been well-documented that the County has ignored the warnings of the public contrary to the spirit of the EIR and in violation of the laws of the State of California.

	Signature	Name (printed)	Address	Date
16.	<i>Marlene Walder</i>	Marlene Walder	1145 Banham #11 SM CA 92078	9/29/07
17.	<i>Jan Sarnett</i>	Jan Sarnett	PO Box 1988 San Marcos CA	9/29/07
18.	<i>John F. Shea</i>	JOHN F. SHEA	2127 CAMINO 92079 VISTA CA, 92081	092907
19.	<i>Chris Reeves</i>	Chris Reeves	28579 Faircrest way Esc. CA 92027	9-29-07
20.	<i>Laurie St. Onge</i>	Laurie St. Onge	1822 Calypso DR VISTA CA 92081	9-29-07
21.	<i>Eleanor S. Filkins</i>	Eleanor S. Filkins	2253 Country Creek Rd San Marcos	9-29-07
22.	<i>Paul E. Filkins</i>	Paul E. Filkins	" " " " " "	" " " " " "

24 September 2007

RECEIVED
SEP 25 2007

Department of Planning and Land Use
5201 Ruffin Rd., Suite B
San Diego, CA 92123-1666

DEPARTMENT OF PLANNING
AND LAND USE

To whom it may concern:

I've been a property owner in the Twin Oaks Valley region of San Diego County for 20 years. In that time I've seen many changes in the valley. Some call it progress. To those of us who live here, it's just plain congestion.

I ask you to please consider very carefully the proposed Stonegate/Merriman Mountains project currently before your review.

This is an agricultural area. Do you really want to approve a project that will allow the dust of some 12 million cubic yards of dirt that will be moved to fall into the food *you or your family* might be eating? To say nothing of perhaps 1280 days of blasting and drilling over the next ten years that will affect the air quality in the valley in unknown ways.

The health risks are potentially dangerous. And the fire danger of adding 2700 housing units is still unknown.

This is a rural area. Adding another 35,000 trips per day to our roads is just an incredibly bad idea.

This is not just NIMBY (not in my back yard.) It's just using common sense. Twin Oaks Valley is rural. We have agricultural farms here. We have animals (goats, sheep, horses and chickens) here. Please don't even consider putting 2700 housing units and a commercial shopping site here.

Respectfully,

Yvonne Anderson

Yvonne Anderson

520 Cox Rd.

San Marcos, CA 92069

Ph. (760) 798-1361

From: Royalviewranch@aol.com
Sent: Monday, September 10, 2007 7:48 AM
To: Stocks, William
Subject: Binns/ blasting adjacent to my property

Hi Bill, I have been looking over the EIR for Stonegate and I was **shocked** to see how much blasting is going to occur adjacent to my property. I was totally unaware that almost the entire 7+ acres of my abutting neighbor to the south of me (Smith) is to be blasted. Also accross from me on Kim and Clark and above me on what seems to be Pizzuto land. See figure 2.4-10. Also Deer Springs Rd. will have blasting also. I also see that Deer Springs Place is being blasted which will cut off my access road to and from my property. Does all this blasting mean that I have to plan my outside activities as well as my working with my horse and going on errands around this blasting? I need to be able to come and go as needed. I won't be a prisoner in my home or on my property.

The Eir states "280-320 days of drilling and blasting per phase and there are 5 phases. 211 acres will require blasting. Rock crushing throughout the construction process." **How long is this blasting expected to take as well as the drilling**, and won't the drilling be even noisier than the blasting? I am very concerned with the integrity of my homes structure being damaged as well as my pool. Also my fenced horses paddock is at a higher elevation than Smith and I am afraid it may colapse. I also have San Diego Water Authority pipelines going through my property. Will they be damaged? They also go through the Clark property.

The Eir only shows rock crushers in 2 areas. I was told by Joe Perring that they will be moved about the project as needed. This would make sense as they can't be hauling all the rock over to the crushers. Will there be a rock crusher near my property or on Pizzuto land?

You do know that I have a horse abutting the Smith property line as well as 2 outside dogs. One of my dogs pees if there is thunder or bombing at Pendleton so bringing him inside will not be an option as I have wall to wall carpeting throughout and I keep a tidy home.

Also my mom who is 90 years old and is totally blind and has dimentia will be coming to live with us for months at a time and I am afraid that this will be extremely hard on her.

I see now that opening windows as I do daily will not be an option.

I know I have given you a lot of questions but we are quite panicked by all of this. Could you please give me answers to all of these questions. Thank you. Karen Binns

See what's new at AOL.com and [Make AOL Your Homepage](#).

FIRE

Stocks, William

From: Royalviewranch@aol.com
Sent: Wednesday, June 20, 2007 3:45 PM
To: Stocks, William
Subject: Stonegate not Shelter in Place???

Hi Bill, It's Karen Binns. I just got a flyer from Stonegate today stating that Stonegate is not Shelter in Place. That there has been some confusion.

They state: "Merriam Mountains is **NOT** a Shelter in Place Community."

Also, When I saw Joe on 4/3/07 he stated that the fire buffer around my property was only 100 feet. They are stating in this flyer "fire buffer areas ranging from 225' to over 1000'."

Have I been dreaming all this time?? Not a "Shelter in Place Community"????????? Thanks, Karen

See what's free at AOL.com.

6/21/2007

Stocks, William

From: Stocks, William
Sent: Thursday, May 03, 2007 3:04 PM
To: 'Royalviewranch@aol.com'
Cc: Loy, Maggie A
Subject: RE: Stonegate letter to Supervisor Horn etc.

Karen,

The concerns that you set forth in the letter dated 4/26/07 have been included as part of the project file. These concerns are being addressed within the context of the EIR. The EIR is not finished yet. We would prefer to send you a notice of the availability of the EIR, allow you to review it and then respond to any comments that you might have following your review. Would this be acceptable to you?

Thanks,

Bill.

William Stocks, Planner III
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Ph.# (858) 694-3913
Fax# (858) 694-3373

From: Royalviewranch@aol.com [mailto:Royalviewranch@aol.com]
Sent: Thursday, May 03, 2007 8:25 AM
To: Stocks, William
Subject: Re: Stonegate letter to Supervisor Horn etc.

Bill, I was wondering if you had a chance to meet with staff and have any answers to my concerns regarding air quality and noise and all the other impacts to my property. Karen Binns

See what's free at AOL.com.

5/3/2007

Stocks, William

From: Stocks, William
Sent: Thursday, March 15, 2007 2:26 PM
To: 'Royalviewranch@aol.com'
Subject: RE: Stonegate / Binns mitigation?

Karen,

I would think that in order for any kind of road to be compatible with equestrian-oriented development it would need to have a dedicated trail adjacent to it.

Regarding noise, the applicant is required to mitigate all significant impacts from noise both during construction and any impacts identified from the proposed use.

The applicant is changing the proposed height regulation in Neighborhood 2, Planning Area 3 to a "G" Designator, which limits the height to 2 stories and 35 feet.

Bill.

William Stocks, Planner III
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Ph.# (858) 694-3913
Fax# (858) 694-3373

From: Royalviewranch@aol.com [mailto:Royalviewranch@aol.com]
Sent: Thursday, March 15, 2007 8:33 AM
To: Stocks, William
Subject: Re: Stonegate / Binns mitigation?

Bill,

Thank you for your quick reply. Yes, I was asking how a 4 lane road (Meadow Park Lane) can be compatible with equestrian oriented residential development.

You spoke of the "applicants need to mitigate all noise and air quality impacts to adjacent residential areas". Is this during the construction phase only or after the new residents move in also for noise, etc.?

Also, you stated that the proposed condos are to be 2 stories high. According to the Specific Plan General Plan Amendment Report dated December 21, 2006, (see page 53) they have a height: "J" designator (Neighborhood 2, Planning area 3, the condos abutting my property). The "J" states 40 feet, 3 stories, unless this has all been changed. Has there been a change? You may have it confused with Neighborhood 1, Planning area 1 (the commercial site), or all of neighborhood 3 and all of neighborhood 5 which show a "G" designation of 2 stories, 35 feet. Please let me know if my area condos are 2 or 3 stories and how high.

Thank you.
Karen Binns

3/15/2007

Stocks, William

From: Stocks, William
Sent: Saturday, February 03, 2007 12:49 PM
To: 'Royalviewranch@aol.com'
Subject: RE: Karen Binns / Stonegate

The project should propose adequate buffers between land uses that may not be compatible. We have a new submittal that I will be reviewing and I will be looking for adequate buffers. I appreciate your comments.

Bill.

William Stocks, Planner III
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Ph.# (858) 694-3913
Fax# (858) 694-3373

From: Royalviewranch@aol.com [mailto:Royalviewranch@aol.com]
Sent: Thursday, February 01, 2007 12:13 PM
To: Stocks, William
Subject: Karen Binns / Stonegate

Bill, I sent this to Linda Bailey from Stonegate. Maybe you need to see it also. Just wondering what some of the mitigation measures will be?

Thank you for your time. Karen Binns

Stocks, William

From: Rosalind Orner [rorn@ucsd.edu]
Sent: Wednesday, January 17, 2007 2:17 PM
To: Stocks, William
Subject: EIR etc---Stonegate Merriam Mountain Development Project

Please confirm receipt of this message - an email or letter would be appreciated.

If you have any concerns, comments, etc., please phone 760.751.7080.

REQUEST

to be put on your list for the Stonegate Merriam Mountain Development Project for information and announcements, etc

REQUEST INCLUDES:

- to receive all public notices for hearings
- to receive project documents as soon as available
- to receive all materials, maps, technical info, etc as available
- to receive any other items related to the Stonegate Merriam Mountain Development Project
- to receive a complete copy of the project's EIR on a CD

Please mail the information requested above to

R. Orner
11628 Alps Way
Escondido CA 92026-7011

Thank You

Stocks, William

From: Gil Jemmott [tovcsg@starband.net]
Sent: Wednesday, January 10, 2007 6:01 PM
To: Stocks, William
Subject: Re: Merriam Mtns., SP 04-006, etc.

Hi Bill,

I got three of your messages with attachments before I got the message from my email server saying that my box was full. Thanks so much for the software copy. If there were any other messages that had more attachments, they didn't get through. But, I have cleaned out that email box and it is safe to send more if there are more. Actually, if you have large files to send please send them to twinoaks.eng@starband.net. I have 50 meg of storage there.

Thanks again for the goodies,
Gil

Stocks, William wrote:

More Exhibits.

Bill.

William Stocks, Planner III
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Ph.# (858) 694-3913
Fax# (858) 694-3373

From: Gil Jemmott [mailto:tovcsg@starband.net]
Sent: Tuesday, January 09, 2007 5:09 PM
To: Stocks, William
Subject: Re: Merriam Mtns., SP 04-006, etc.

Hi Bill,

I left a phone message for you today, but I guess you were out or busy so I will ask the questions by email.

1. Can I get a software copy of the book for the Merriam Mountains/Stonegate project or at least some additional copies of it? We have 7 members and nowhere near enough time to pass one copy around.
2. Is this available in any of the local libraries? I have had community members who would like to review it ask. The San Marcos Branch has said that they don't have one.
2. Is there any chance of getting more time to comment on the project? The January 16 due date is only 28 days from when their staff dated the submittal, 13 days from when it was mailed out, and happens to be the day before our first regularly scheduled meeting where we could get information from their staff presentation.
3. When will their traffic, fire protection, hydrology, and other plans be available for review. They are important to a clear understanding of the project.
4. Any idea when their EIR will be available?

Stocks, William

From: Stocks, William
Sent: Wednesday, March 14, 2007 1:01 PM
To: 'Royalviewranch@aol.com'
Subject: RE: Stonegate / Binns mitigation?

Hi Karen,

I believe an adequate buffer would be a minimum 50 foot structural setback, which would include a minimum 25 foot-wide area for landscaping only, plus a 6-foot high wall along the property line.

Regarding impacts from the construction of a 4-lane Meadow Park Lane, are you referring to impacts to natural vegetation? Are you also asking how a 4-lane road can be compatible with equestrian oriented residential development?

The applicant will need to mitigate all noise and air quality impacts to adjacent residential areas.

The condos are proposed to be 2 stories high and will have trees and other landscaping that will buffer the views from off-site properties.

Again the applicant will be addressing impacts to your property and the EIR will need to include adequate mitigation for the potential impacts you have mentioned.

Thanks,

Bill.

William Stocks, Planner III
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Ph.# (858) 694-3913
Fax# (858) 694-3373

From: Royalviewranch@aol.com [mailto:Royalviewranch@aol.com]
Sent: Wednesday, March 14, 2007 7:07 AM
To: Stocks, William
Subject: Stonegate / Binns mitigation?

Dear Bill,

I asked you about a month ago how they would mitigate all the condos at the beginning of Meadow Park Lane abutting my property which is zoned A70 and has horses on it. You said you are making sure there are adequate buffers. What would be adequate?

Also, maybe the more important thing is that it was bad enough when Meadow Park Lane was a 2 lane road, now it has become a 4 lane road. They would need about a ½ mile of mitigation in the least for that. How is this compatible with equestrian property or even residential??

We have a small horse breeding establishment for our personal use. We have had 3 foals born and

3/14/2007

raised on our property and would like to continue to do so. A massive development project which will take 10 years to complete with bulldozers, dump trucks going back and forth throughout the project on Meadow Park Lane right by our home, rock crushing equipment, is hardly conducive to a mare foaling and a foal being raised on site.

How can they mitigate the noise and exhaust fumes. I am already a cancer patient and all the exhaust fumes of 10, 000 daily trips a day and cars idling in traffic may be enough to give me lung cancer and finish me off!

What about sound from a 4 lane main road? They can't mitigate with a sound wall as my property is about 40 feet higher and sound goes up. They cannot make a sound wall high enough.

What about the visual impacts of the condos? They will be 3 stories, 40 feet high. It will block my view of the Twin Oaks Valley.

Where will the rock crushers be stationed. What about the sound and dust in the air. There again, not good for the lungs.

With 77 condos abutting my property on 3 sides as well as a 4 lane main road abutting my property also this project is just not compatible with what we have been doing for the past 20 years. How is this ever going to be mitigated???

Thanks again for your time. Karen Binns

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RECEIVED
SEP 25 2007DEPARTMENT OF PLANNING
AND LAND USE

Deer Springs Mobile Home Park
A Senior Citizen Community
1299 Deer Springs Road
San Marcos, California 92069-9784

Eric Gibson
Interim Director
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

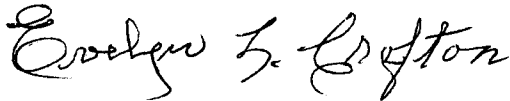
September 20, 2007

Dear Mr. Gibson

We are enclosing our immitigable concerns regarding the Merriam Mountains Specific Plan, Draft Environmental Impact Report; GPA 04-06, R04-013, TM 5381, S04-035, AD 06-007, Log No. 04-08-028, Sch No. 2004091166. We, the senior citizens of Deer Springs Mobile Home Park, have deep concerns regarding this proposed project. Ultimately some of our homes will be within 20-feet of the Deer Springs Road if this project were completed as planned. Please consider our plight when reviewing this planned project and we ask this project be denied.

Thank you for your time in reviewing our E.I.R. comments.

Sincerely,



Evelyn Crofton
President, Deer Springs Oaks, Inc.

cc: William Stocks, Project Manager
Larry Hofreiter, DPLU 2020 Planner
Maggie Loy, Project Planner

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B (0650)
San Diego, CA 92123-1666

Attention: Maggie Loy, Planner

Merriam Mountain Specific Plan
GPA 04-06, SP 04-006, R04-013, TM 5381, S04-035, AD 06-007,
Log No. 04-08-028, Sch No. 2004091166.

DRAFT ENVIRONMENTAL IMPACT REPORT: August 30, 2007

We are responding to this report with our comments as they relate to this master-planned community integrating residential, commercial, recreational and open space land uses.

PROJECT DESIGN OVERVIEW:

Our first response is to rezoning the total development to Current Urban Development Area (CUDA). This changes the present rural community character and does not conform to present zoning, as well as GP 2020 and Year 2030 County plan proposals. Surrounding the project in all directions are large lot single-family developments, some agriculture, unique natural undeveloped resource and our scenic I-15 corridor. We include that many multi-million dollar developments (e.g. Golden Door, Welk Resorts) will be impacted on all accounts.

Your Specific Plan calls for 2700 residences, 10 acres of general commercial development and about 1700 acres of open space within the 2327-acre development. This project size and density creates too much impact to surrounding areas. The "sprawl" type development stresses public resources and places the development in undefendable wildfires areas.

We respond to concerns of Neighborhood One at Merriam Mountain Parkway egress road to Deer Springs Road just across from Deer Springs Mobile Home Park, a senior citizen community. Your projected 30,000 residential and commercial daily trips will further add to existing traffic problems rated LOS "F". This project portion has 1013 dwelling units consisting of 743 variable residential and 240 multi-family units and housing an approximate 2000 residents stacked on a total of 57.2 acres. This does not include 10.3 commercial acres. Your project must provide 10 percent low-income housing. Our concerns for many of these residents will be a lack of public transportation, area jobs, emergency services, schools (transported by bus to four school districts), churches and recreation. The project states anticipated needed police services (County Sheriff) will impact current services already below required levels. Residents in such close proximity will need daily management and adequate screening of applicants by competent management.

FIRE:

This project during the E.I.R. preparation has had immense pressure from Fire Boards and Fire Councils as well as Sponsor Groups and public input. Consequently your efforts to provide safety during wild fires and other fires have been noted. We believe your emphasis on buildings and surroundings has not taken into account all of the human factors (those unable to survive for physical reasons, etc.). Most of all you do not take into account human reaction to flee from danger. No amount of preparation can eliminate emotional factors involved. The project states fire stations and personnel will be helped by your financial support to improve Fire Station 2 and help with building planned Station 3. Your project should have included future plans for school sites and a fire station for approximately 7600 residents. You have made it difficult to provide these public resources because of your proposed urban sprawl at a great cost to the public.

(PRECEEDING PORTION SUBMITTED BY J. KOHLER, RESIDENT)

TRAFFIC:

Deer Springs Road currently is a 2-lane roadway and classified as a Major Road with a LOS "F" factor (at peak AM/PM hours) on the County of San Diego's Circulation Element. Current traffic volume is 16,300 ADT (based on volumes counted in 2004 and 2005 per E.I.R.). It is estimated when Merriam Mountain Project is complete there will be an additional traffic volume of 23,406 ADT residential and 12,120 ADT commercial traffic totaling 35,526 ADT. That sum added with just the existing 16,300 ADT would total 51,826 ADT on Deer Springs Road.

The major concern is will the proposed widening of Deer Springs Road to 4-lanes and 6-lanes at Mesa Rock Road accommodate the anticipated traffic volume? A 4-lane roadway classification of LOS "E" has a capacity of 34,200 ADT according to County of San Diego and City of San Marcos facilities and LOS "F" is 37,000 ADT, as noted in E.I.R. Certainly with the future traffic (35,526 ADT) plus existing (16,300 ADT) traffic totals of 51,826 ADT will far exceed the San Diego County guidelines. The guideline requirement states when a new development that would significantly impact congestion on roads of LOS "E" or "F", either currently or as a result of the project, will be denied unless improvements are scheduled to improve the LOS to LOS "D". This figure of 51,826 will clearly create the congestion of LOS "F" conditions. The E.I.R. also does not take into consideration the growth rate of Palomar College or University of California San Marcos (anticipated growth to 20,000 students in the short term). Students going to these institutions are traveling Deer Springs Road to avoid the morning congestion at the I-15 and Highway 78 interchange.

E.I.R. states construction (traffic) emissions will be mitigated; e.g. use of sweeping to remove construction vehicles "track out" at any public roadway access, cover trucks hauling earthen materials, washing tires of construction equipment before entering a public roadway, etc. E.I.R. states a Construction Relations Officer (singular) will be established to act as a community liaison that will deal with construction concerns from the public. How does one person handle 19 mitigation items listed on E.I.R. page 2.1-30?

STORM WATER RUNOFF

Current storm water drainage conditions are culverts crossing under the current Deer Springs Road and draining onto Deer Springs Oaks Mobile Home Park (DSOMHP) property at two locations. Historically no provisions were ever made to properly handle storm runoff. Storm water is diverted from the north side of Deer Springs Road and runs uncontrolled and parallel to the roadbed causing erosion and flooding of some home sites. Eventually that water congregates at one DSOMHP culvert which flows into the spring fed Oak Creek (which runs parallel to Deer Springs Road). This culvert consistently fills with debris, plugs up causing flooded lots and filling our septic system with storm runoff. The E.I.R. makes no mention of these conditions. This condition can be mitigated by re-routing storm water from north side of Deer Springs Road and west of the DSOMHP and then returning to Oak Creek.

(PRECEEDING PORTION SUBMITTED BY M. MCINTIRE, RESIDENT)

OFF SITE CHANGES TO DEER SPRINGS ROAD

The proposed widening of Deer Springs Road to 4 and eventually 6-lanes would cause significant negative impact on the existing homes adjacent to the south side of the road in Deer Springs Oaks Mobile Home Park (DSOMHP). The report states that; "construction would extend within approximately 20-feet of (5) existing mobile home residences". The proposed mitigation during construction consists primarily of an 8-foot plywood and fiberglass insulated temporary sound wall. Because the grading and construction takes place at a level of 5 to 10-feet above the level of the homes, the 8-foot high sound wall at their level would have minimal effect to mitigate noise, visual and air born construction impact. It obviously would not decrease the noise to the 75 dB level required.

Another consideration not addressed or mitigated is the physical danger to residents and property from the operation of heavy-duty construction equipment within 20-feet of that property.

An obvious and very dangerous road intersection will be created where the proposed Merriam Mountain Parkway intersects Deer Springs Road at a right angle. This produces down hill traffic from the project site onto Deer Springs Road directly towards DSOMHP homes on the south side of the road. This creates a potentially disastrous situation if a vehicle fails to stop due to operation or mechanical reasons, goes through the intersection and into DSOMHP. The proposed plan has only a 6-foot masonry sound wall along the southern side of the road at that point. This wall is unlikely to stop any large vehicles moving at substantial speed (e.g. brake failure). Additional protection at that intersection such as a thicker steel reinforced wall and a steel guardrail in front of the wall would be a consideration. Further more there is no mention in the text or on the maps for a guardrail adjacent to Deer Springs Road, particularly the south side adjacent to DSOMHP. There is only a proposed 6-foot masonry sound wall "at selected locations" (Figure 2.4-18). It would be prudent to install a guardrail adjacent to the wall for protection from vehicular damage and to decrease the probability of serious human injury. It certainly appears that a guardrail is required at the area where Deer Springs Road has an "S" bend near the proposed Merriam Mountain Parkway.

NOISE

The noise mitigation measures to protect the Deer Springs Oaks Mobile Home Park residents located immediately south of Deer Springs Road at the Merriam Mountain Parkway intersection consists of a temporary 8-foot plywood and fiberglass insulated sound wall, with a proposed permanent 6-foot masonry sound wall. These measures are based, in large part, on measured noise levels and traffic volumes (see Table 2.4-4, page 2.4-34 and Table 2.4-9, page 2.4-43). Neither of these walls are adequate to reduce the noise generated because the measurements are not accurate or representative. As seen in Table 2.4-4, the noise level in Zone 6 was measured from 2:20 to 2:40 P.M. and in Zone 7 from 1:45 to 2:05 P.M. This is the quietest time of day and is increased manyfold during peak traffic hours (approximately 5:30 to 8:30 A.M. and 3:30 to 6:30 P.M.). Basing the noise estimated on the skewed low measurements mitigates the noise to just barely acceptable levels. If the more representative, higher levels were used, the proposed 6-foot sound wall would not be adequate; this would require higher (8 to 10-foot) and thicker walls.

(PRECEEDING PORTION SUBMITTED BY DR. T. EASON, RESIDENT)

AIR QUALITY CONCERNS

There are many natural air quality changes occurring as the world continues to develop and these cannot be regulated or controlled. The Man-made changes are the concerns of this study group. The E.I.R. very scientifically illustrates how and why the air quality in the area the size of the proposed Merriam Mountain Project can change naturally over time due to weather, natural vegetation changes and wind borne air quality changes brought in from surrounding areas. As of this writing, diesel fumes from large trucks and exhaust fumes from automobiles are wafting down the slope from the current 2-lane Deer Springs Road into the homes next to the roadway.

The current California vehicle emissions standards have been reduced some 10 or 12 percent less than the "business as usual" levels that were established in 1990. The target date of the year 2040 will be a reduction of another 25 percent below today's level. The current traffic count is 16,300 per E.I.R., page 2.2-50, Table 2.2-4. The projected traffic totals upon completion of Merriam Mountain Project will be in excess of 50,000 vehicles a day. This traffic increase can only add to an already bad air quality condition for the residents of Deer Springs Oaks Mobile Home Park, a senior citizen community, many with respiratory conditions.

Other major air quality concerns are of the short-range consideration, "Construction Pollution". The smoke, fumes, gases and particulate matter, from diesel powered heavy equipment and gasoline powered equipment used for construction plus existing vehicle traffic will further degrade air quality for residents of DSOMHP. The dust created from blasting for site leveling, road cut and fills; rock crushing for sand, gravel, transporting and dumping of aggregate matter, spreading and grading of all aggregate materials. The dust generated by other construction vehicles on the "not yet" paved roadway also is a problem.

AIR QUALITY CONCERNS - continued

No one in the area will be immune from this pollution problem; the prevailing winds are from the west and southwest. However it also comes from the north, east and southeast. If this project is permitted to proceed, how will all these pollutions issues be mitigated?

(PRECEEDING PORTION SUBMITTED BY J. MILLER, RESIDENT)

This concludes the formal response to the Merriam Mountain Specific Plan E.I.R. from the residents of Deer springs Oaks Mobile Home Park, a senior citizen community.

Loy, Maggie A

DPW for Eric Breniche
for Lee Shick
Troy Bankston - for

From: Stocks, William
Sent: Wednesday, May 09, 2007 11:26 AM
To: 'Pauline Hadley'
Cc: Loy, Maggie A; 'brice@bosslergroup.com'
Subject: RE: pollutants

Hello Pauline,

Thanks for you email. You expressed many of the same concerns as Karen Binns and we are in the process of responding to her letter. The EIR will address all impacts to Air Quality and when it is complete it will be available for public review. You can then provide comments as part of the EIR process and we will provide responses to your comments before the project is scheduled for a public hearing before the Planning Commission. We will make sure that you receive a notice EIR becomes available.

Bill.

William Stocks, Planner III
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Ph.# (858) 694-3913
Fax# (858) 694-3373

From: Pauline Hadley [mailto:phadley@inetworld.net]
Sent: Tuesday, May 08, 2007 1:44 PM
To: Stocks, William
Subject: pollutants

Pauline Hadley
306-n W. El Norte Pkwy #423
Escondido, Calif. 92026
Phone: 760 471 1122
Fax: 760 744 1994
Office Phone: 760 744 4395
cell: 760 533 3767
email: phadley@mac.com

Dear Mr. Stocks,

In speaking with Karen Binns, we worry over how to handle the dust, emissions, that will fill the air, when Stonegate project and their roads commence. Having extreme allergies to dust, I will not be able to occupy my home. Moving 12 million cubic yards of dirt, during our hot Santa Ana months, will make the air unmanageable for me. At 73 I cannot live thru the years of the building of nonconforming condos next door, diesel fumes, air pollution, that will happen. We are told this is something Stonegate cannot mitigate, cannot control.

Having spent a fortune on my property, 1000 ft. aggregate driveway, seven stairwells concrete with aggregate to the various levels of my gardens, tiled heated salt water pool, I don't know what I will do. My windows are single pane, leaky, and fumes and dirt enter easily. Also, I prefer having my doors open to let the air flow thru the house. My shangri la will be destroyed.

Altho I have thought of going to Sedona, it is too hot year around, and my monthly visits to my doctor in Escondido would be difficult. Also, my children live there, in Escondido, and leaving my son with short life expectancy due to liver transplant 11 years ago, would be heartbreaking.

My property is not saleable with this coming problem, and I cannot live there. I asked a landscape engineer what it would cost to duplicate my estate, 4.87 acres, house 140 ft. elevation-wise above Deer Springs, huge torrey pines, and the endless list of imported trees and plants that I bought this property for and planted myself many years ago. He said finding acreage with the 360 degree view, my own "mountain", was probably not possible, and the huge trees being moved, would cost millions. When you live a place 19 years, it is your dream, as you work on it daily.

I cannot stand the summer heat in Sedona, and the elevation of New Mexico mountains. The bare land next door to me was purchased by Stonegate for \$1.7 mil 4 years ago where there are old plastic greenhouses and cucumbers are grown. It has no views, no house, no guest house, no pool, no expensive landscaping. I have 72 automatic watering stations, a well, and my tennis court is now aggregate topped concrete (to prevent slippage) with drainage

5/10/2007

every 10 ft. for organic garden and plant propagation. My nursery propagates the Hadley Black Mission Fig trees, hundreds of them. The well water is wonderful for the plants. All of my nursery stock is on that property, cherimoya trees, etc.

It seems certain that in spite of the danger and unsuitability of Stonegate in the mountains, where the people will die when the strong winds come from the East flowing wildfires to the west, that this horror will happen, as the developers have the money, and bribe their way into getting their wishes, and make more and more money. They ruined other communities, in other states, and that is on internet.

I would like to be on the list to receive all of the paperwork relating to the air pollution, emissions, and Karen said there are 17 reports coming out, no doubt when the EIR comes out. Naturally they will put down numbers that are far less than the actual auto count, and get approval.

I am wondering what course to take, as my doctor feels my upper respiratory problems will suffer should I try to stay at my home at 610 Deer Springs Road.

I asked Stonegate to buy me out also, since they are destroying my home, but they said they would have to start all over with plans, should they buy me out. When we are old and tired out, it is very hard to move a business and a home, and start all over, especially when the climate for my nursery has to be taken into consideration. To duplicate my setup would cost \$4 million after taxes.

I don't think they care about Binns or Hadley, just want to put condos and highways next to us, and destroy our lifestyles. Also, I am old now, and tired of fighting this and that. I can't handle the stress.

What is going to be done for us, who are harmed by this development that will not buy us out, just destroy our values and lifestyles? Now that Golden Door is failing, I am sure Blackstone will be next to develop and further crowd Deer Springs. They are now going public with their stock, I hear. Their 400 acres could end up with another 2700 homes, When your lifestyle and home are destroyed, it seems the developer with their billions should have to compensate the people they ruin. I appreciate your thoughts on this.

Sincerely,

Pauline Hadley

ps. I don't know how the print changed to blue with underline, but when I went to google to get the correct spelling of Shangri La, it changed when I imported that with with "copy, paste" on the Macintosh.

Stocks, William

From: Stocks, William
Sent: Monday, April 30, 2007 10:45 AM
To: 'Royalviewranch@aol.com'
Subject: RE: Stonegate letter to Supervisor Horn etc.

Hi Karen,

I'll meet with staff and provide you with a response.

Bill.

William Stocks, Planner III
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Ph.# (858) 694-3913
Fax# (858) 694-3373

From: Royalviewranch@aol.com [mailto:Royalviewranch@aol.com]
Sent: Thursday, April 26, 2007 9:33 PM
To: Stocks, William
Subject: Stonegate letter to Supervisor Horn etc.

Dear Bill, Enclosed is a letter that I just sent to Supervisor Horn and the other 4 supervisors. Could you please explain how the issues of dust, noise, emissions, and lead, asbestos, & pesticides which I brought up in this letter will be mitigated. Thank you. Karen Binns

April 26, 2007

Karen & Allen Binns
2637 Deer Springs Place
San Marcos, CA 92069
760-744-5916

Supervisor Bill Horn
1600 Pacific Highway
Room 335
San Diego, CA 92101-2470

Dear Supervisor Horn,

I am writing to you today about the Stonegate Merriam Mountain development. We are at "ground zero". Our home is the most impacted of this entire development. Our home is situated right off Deer Springs Rd. on a private easement road called Deer Springs Place which will cease to exist. Our property abuts the new proposed 4 lane major road for the project called Meadow Park Lane. We also abut the 3 parcels which Stonegate bought which will contain this road as well as 77 condos. We will be enveloped on 3 sides by this development (south, west, & north). We have a "dominant" easement

5/2/2007

over a portion of Deer Springs Place which will become this major 4 lane road which houses our water lines, etc.

We have lived here 20 years. We are zoned A-70 and have raised horses on site the entire 20 years.

We bought our property knowing we could have horses, bought next to established properties, (2 homes and a nursery, which have now been bought up to make this major 4 lane road and the 77 condos). The neighborhood had large parcels of 5 – 40 acres. Now, if this project is approved we will have about 77 condos and a major 4 lane road with 10,000 car trips daily. To make matters even worse, when Deer Springs Road is widened to either 4 or 6 lanes, they will be taking it all from the north side of the road which will push this “highway” even closer to our home.

Most of this is raw land with most of the landowners living outside of the community. This project is a detriment to the existing, established community as well as the surrounding areas.

We thought as we reach closer to retirement age that this would have been an ideal place to live. Now we feel that we are being pushed out because we will not be able to raise horses. What about “our” property rights?

I have been a cancer patient for the last 1 ½ years and I feel that all the exhaust fumes from the 2 major roadways by my home, the massive blasting that will need to be done, the construction emissions of the PM 10's and NO x and operational emissions of CO from the construction equipment, the particulates from the demolition of the 2 homes and nursery, the pesticides that are in the soil from the nursery and old grove, as well as lead and asbestos from the homes during demolition will be detrimental to my life. Also there will be dump trucks hauling 12,200,000 c.y. of cut and the same amount of fill running up and down the road next to my home. I have no intentions of getting lung cancer and dying!

These will be unmitigable conditions since we are at this location and we are about 50-100 feet above this area so mitigation will be impossible. This will be an ongoing 8-10 year project.

Sound from blasting, road noise, as well as noise from building construction will be unmitigable also.

When we voiced our concerns Mr. Perring told us that the dust and noise “won’t be a problem”. This is an absurd statement!

We will not be “forced” to exist under these “unlivable” conditions for 8-10 years and beyond.

I would appreciate your comments to my letter. Please remember that we are at “ground zero”.

Thank you for your time in consideration of this matter.



Your constituents,

Karen & Allen Binns

5/2/2007



See what's free at AOL.com.



5/2/2007

From: Royalviewranch@aol.com
Sent: Thursday, April 26, 2007 9:33 PM
To: Stocks, William
Subject: Stonegate letter to Supervisor Horn etc.

Dear Bill, Enclosed is a letter that I just sent to Supervisor Horn and the other 4 supervisors. Could you please explain how the issues of dust , noise, emmissions, and lead, asbestos, & pestisides which I brought up in this letter will be mitigated. Thank you. Karen Binns

April 26, 2007

Karen & Allen Binns
2637 Deer Springs Place
San Marcos, CA 92069
760-744-5916

Supervisor Bill Horn
1600 Pacific Highway
Room 335
San Diego, CA 92101-2470

Dear Supervisor Horn,

I am writing to you today about the Stonegate Merriam Mountain development. We are at "ground zero". Our home is the most impacted of this entire development. Our home is situated right off Deer Springs Rd. on a private easement road called Deer Springs Place which will cease to exist. Our property abuts the new proposed 4 lane major road for the project called Meadow Park Lane. We also abut the 3 parcels which Stonegate bought which will contain this road as well as 77 condos. We will be enveloped on 3 sides by this development (south, west, & north). We have a "dominant" easement over a portion of Deer Springs Place which will become this major 4 lane road which houses our water lines, etc.

We have lived here 20 years. We are zoned A-70 and have raised horses on site the entire 20 years.

We bought our property knowing we could have horses, bought next to established properties, (2 homes and a nursery, which have now been bought up to make this major 4 lane road and the 77 condos). The neighborhood had large parcels of 5 – 40 acres. Now, if this project is approved we will abut 77 condos and a major 4 lane road with 10, 000 car trips daily. To make matters even worse, when Deer Springs Road is widened to either 4 or 6 lanes, they will be taking it all from the north side of the road which will push this "highway" even closer to our home.

Most of this is raw land with most of the landowners living outside of the community. This project is a detriment to the existing, established community as well as the surrounding areas.

We thought as we reach closer to retirement age that this would have been an idealic place to live.

4/30/2007

Now we feel that we are being pushed out because we will not be able to raise horses. What about "our" property rights?

I have been a cancer patient for the last 1 ½ years and I feel that all the exhaust fumes from the 2 major roadways by my home, the massive blasting that will need to be done, the construction emissions of the PM 10's and NO x and operational emissions of CO from the construction equipment, the particulates from the demolition of the 2 homes and nursery, the pesticides that are in the soil from the nursery and old grove, as well as lead and asbestos from the homes during demolition will be detrimental to my life. Also there will be dump trucks hauling 12,200,000 c.y. of cut and the same amount of fill running up and down the road next to my home. I have no intentions of getting lung cancer and dying!

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Thank you for your time in consideration of this matter.

Your constituents,

Karen & Allen Binns

See what's free at AOL.com.

4/30/2007

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Thank you for your time in consideration of this matter.

Your constituents,

Karen Binns

Allen Binns

Karen & Allen Binns

Stocks, William

From: Stocks, William
Sent: Sunday, March 25, 2007 12:37 PM
To: 'Pauline Hadley'
Subject: RE: Stonegate's condos

Hello Pauline,

The development proposed for this area will be subject to design special area regulations that will provide for various requirements that will mitigate potential impacts to adjacent land uses. We are working out the details with the applicant.

Thanks,

Bill.

William Stocks, Planner III
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666
Ph.# (858) 694-3913
Fax# (858) 694-3373

From: Pauline Hadley [mailto:phadley@mac.com]
Sent: Tuesday, March 20, 2007 3:31 PM
To: Stocks, William
Subject: Stonegate's condos

Pauline Hadley
phadley@mac.com
Mail: 306n W El Norte Pkwy #423
Escondido, Ca. 92026
phone: 760 471 1122
office: 760 744 4395

Dear Mr. Stocks: I am being told that there are condos next door, 77 or 105, 35 and 40 ft. tall. I had lunch with Linda Bailey Jan. 31, this year, and she said she would mail me maps, and that was 7 weeks ago. Then on 3-14-07 I saw her at a meeting, and she said she had emailed them. I have DSL so it seems strange that nothing was received on any of my computers from her.

I told her this, and she said she was putting them in the mail that day. Six days later, and no maps.

Karen Binns and I are very negatively affected with this proposed highway, and all those condos. Karen and I were discussing the Stonegate house, that they purchased from the Clarks, and that there are ATV (all terrain vehicles) going up and down the street continually, until dark). I suppose we have to magnify that by 80 to feel the real impact? Then 15,000 trips per day, auto exhaust, and hardly able to get out of my driveway onto Deer Springs Road.

3/25/2007

It seems the developers should have to buy all of the properties, not just the ones they are running their highway thru, all the properties that are adversely affected by the fumes, noise, congestion.

I wrote on this yesterday, perhaps you didn't get the email. With the 2300 acres that they have, perhaps the entrance could be a park, not condos, as originally they were having hiking trails, trees, and it was a park line setting. Later this was changed to condos? This is certainly not in keeping with what is there already, mainly estate homes and equestrian properties. The condos do not blend in. Please address this. Pauline Hadley

3/25/2007

From: Bernard Hayes [mailto:benhayes71@hotmail.com]
Sent: Tuesday, November 06, 2007 6:59 PM
To: Loy, Maggie A
Subject: RE: Merriam Mountain Development Proposal

Dear Ms Loy,

Thanks for your prompt response to our recent email. We would appreciate being notified of hearings related to the Merriam Mountain project.

☺Mariann & Ben Hayes

Subject: FW: Merriam Mountain Development Proposal
Date: Tue, 6 Nov 2007 08:29:08 -0800
From: Maggie.Loy@sdcounty.ca.gov
To: benhayes71@hotmail.com
CC: Cheryl.Jones@sdcounty.ca.gov

Mr. and Mrs. Hayes,

Thank you for your comment letter. Your comment letter was received after the end of the public review period for the DEIR. Therefore, your letter will not appear in the EIR. It will be included in the project file. I recommend that you also request in writing to me that you wish to be notified of hearings related to the project (e-mail is fine). That way your concerns will be heard directly by the decision makers.

Regards,
Maggie Loy
Planner III
(858) 694-3736

From: Bernard Hayes [mailto:benhayes71@hotmail.com]
Sent: Monday, November 05, 2007 6:50 PM
To: Loy, Maggie A; Jones, Cheryl
Subject: Merriam Mountain Development Proposal

We are fairly long term residents of Lake San Marcos. Recently we have been studying the Merriam Mountain Development proposal for the area west of I-15 and north of Deer Springs Road. We are stunned that you are being called upon to consider a proposal of this magnitude in this location at this time. It is our fervent hope that you will recognize that this plan is so deeply flawed that it should be rejected for a considerable number of reasons.

The aspects of this development that are of greatest concern to us include the following...just to name a few. This project's:

1. **Very size** in terms of impact on the County as a whole; 2,700 new residences!

2. **Destruction of irreplaceable agricultural lands.**
3. **Density of development** given the size of the area under consideration.
4. **Violation of existing County's Resource Protection Ordinance.**
5. **Traffic impacts** subsequent to "build out."
6. **Critical resource depletion** such as water consumption.
7. **Irreversible wildlife impacts** the minute 4-year-long construction begins.
8. **Adverse Fire safety** access and egress issues.
9. **Existing Real estate inventory** impacts.

Given that the proposers of this project have submitted an EIR that actually recognizes many of the very adverse impacts cited above along with other adverse impacts of significance, please reject this proposal firmly, clearly and quickly. This is a matter that provides decision-makers with your opportunity to show that our system actually works.

Please don't disappoint us.

Sincerely,

Mariann & Bernard R. Hayes
1241 Las Vistillas Lane
Lake San Marcos 92078
760.744.6558
Benhayes71@hotmail.com

From: dave burkle [mailto:burklepurdue@yahoo.com]

Sent: Sunday, October 28, 2007 11:06 AM

To: Horn, Bill; Jacob, Dianne; Slater, Pam; Cox, Greg; FGG, District 4 Ron Roberts; Pryor, Gary L; Gibson, Eric; Wallar, Chandra ; FGG, CAO Mail; Snyder, John L; Loy, Maggie A; Jones, Cheryl ; protectsdc@sbcglobal.net

Subject: "The Fires Next Time" - Wall Street Journal - Stonegate Merriam Mountains

Sadly, we are re-learning our lessons from 4 years ago at a cost of over \$1 billion and too many lives. Yesterday's Wall Street Journal Opinion page questioned why government officials continue to allow massive development in our wildland urban interfaces. That article also quotes are senator, Dianne Feinstein as saying "local governments have to begin to look at their zoning" that allows "siting of large subdivisions in the path of Santa Ana winds in parched, dry areas of the state." The article further goes on to state that we must hold homeowners, developers, states, and local communities more accountable.

We will absolutely hold our government officials accountable. The public comments and records are clear on this proposed development. It is, in fact, the poster child for this kind of development run amok in the WUI.

URL for this article:

<http://online.wsj.com/article/SB119344242263173488.html>

2006

The Fire Danger
of the Proposed
NNP-Stonegate/Merriam Mountains
Development

Attention: Mr. William Stocks

INTRODUCTION

The information and documentation contained in this binder provides a description of the fire safety threat posed by the NNP-Stonegate/Merriam Mountains development. Also enclosed is a DVD of excerpts of network television coverage that has already taken place prior to the release of the project's Environmental Impact Report for public review and comment.

There has been considerable interest shown by the media in the development's proposed paradigm shift in fire safety planning. This experimental and untested strategy (called "shelter in place") instructs the development's 10,000+ residents to remain confined to their homes in the event of fire starting on Merriam Mountain, with no chance for a successful evacuation. The medical and public health communities are alarmed by the developers' decision to build a project that cannot be evacuated in a timely manner and for failing to take into the account the consequences of instructing the residents (especially those at-risk and medically compromised) to remain confined in their homes in the event of a wildland fire.

It cannot be asserted that the project poses an "acceptable" level of risk. This project (which requires that the County grant a General Plan Amendment in order for it to be built) has been demonstrated to be highly dangerous and will lead to countless casualties and deaths in the event of fire occurring on Merriam Mountain.

Very truly yours,

GARD / FORCE (coalitions of concerned residents of Twin Oaks Valley, Deer Springs, Hidden Meadows, Champagne Village, Jesmond Dene, Vista, Vista Valley, Valley Center and Bonsall)

E-mail: force92079@aol.com

Tel: 760-807-4873

Address: P.O. Box 187, San Marcos, CA 92079

Enclosures

TABLE OF CONTENTS

(1) AN INCOMPATIBLE TRIAD

(2) THE MEDICAL ISSUES

(3) PUBLICITY

(4) CONCLUSIONS

APPENDICES:

(A) Fire-related papers:

- o Stonegate's "Conceptual Wildfire Life Safety and Sheltering Plan" draft dated 06/06/06
- o Stonegate's Fire Protection Plan Evacuation Plan ("Appendix E – Final July 2005" included in the Revised Final Fire Protection Plan, May 2006")
- o Fire Implications of the Proposed NNP-Stonegate/Merriam Mountains Development
- o Excerpts from Rancho Santa Fe Fire Marshal Cliff Hunter's Presentation on "Shelter in Place" to the Hidden Meadows Community on June 30, 2006
- o Landscape Architecture, "Crying "Fire!" in a Crowded Landscape... Do *Firewise* initiatives ward off—or help spark— catastrophic wildfires?" by Kim Sorvig, March 2004
- o U.S. Department of the Interior, U.S. Geological Survey, Letter to the Editor, by Jon E. Keeley, November 2003

(B) Medical organization and physician letters

(C) Newspaper articles: The North County Times, San Diego Union-Tribune, North County Voice, Your Local News (Copley News Service), Meadowlark

(D) Exhibits from subpoenaed internal Stonegate documents

(1) AN INCOMPATIBLE TRIAD

There are three elements in the conceptual formulation of the NNP-Stonegate/Merriam Mountains development that are mutually incompatible. This can be simply explained as follows:

- 1) **A Very High Fire Hazard Severity Zone:** The planned development is to be situated in an extremely fire hazardous area that includes approximately 1,400 acres of undisturbed biological open space in addition to terrain of similar topography contiguous to the development. The fuel load on Merriam Mountain has been accumulating for one hundred years and is composed of dense growth and highly combustible chaparral.¹ The fire hazard is further exacerbated by the seasonal occurrence of Santa Ana winds that create fire conditions that have been called the worst anywhere in the world. FRAP classifications for the state of California designate Merriam Mountains as a Very High Fire Hazard Severity Zone.² The steep slope of the terrain (more than 80% of the mountain has a slope of 25 degrees or greater)³ significantly aggravates the problem (fire travels most rapidly uphill, attaining speeds of up to 100 miles per hour⁴).

In 2004, the California Department of Forestry and Fire Protection (CDF) released for planning purposes three likely scenarios for a major fire catastrophe in North San Diego County. Two of the three scenarios involve the Merriam Mountains. In fact, one scenario is entitled the "Merriam Incident."⁵ CDF predicts that a fire there will be intense, highly destructive and virtually impossible to control, with "an extreme rate of burning" (10 to 15 minutes from the base of the mountain to the crest).^{5,6} The CDF scenarios are acknowledged in Stonegate's conceptual wildfire sheltering plan prepared for the Stonegate/Merriam project.⁷ Stonegate's plan admits that because of the predicted extreme rate of burning, a timely and successful evacuation of the development will be *impossible*.⁸ Stonegate thus resorts to "sheltering in place" (i.e., instructing people to remain in their homes during an actual firestorm).

Sheltering in place in one's home has *never* been tested in an actual wildland fire in the United States. One has to search the entire world to find any application of this SIP methodology to fire. Only in Australia can it be found, and there it is explicitly

¹ Merriam Mountains Project Environmental Impact Report: Significant Environmental Impacts, sub-chapter 3.4.3; January 6, 2006

² California Department of Forestry and Fire Protection, San Diego Unit, Pre Fire Management Plan, 2005, p.42

³ Letter to Gary L. Pryor, Director of San Diego County Department of Planning and Land Use, from Twin Oaks Valley Sponsor Group, August 6, 2003, p.5

⁴ The University Center for Atmospheric Research:
www.ucar.edu/communications/factsheets/wildfires.html

⁵ San Diego Union-Tribune article, "Preparing for the Worst," by Michael Burge; March 28, 2004

⁶ "Community Wildfire Protection Plan for Communities in the Deer Springs Fire Protection District," December 2005, Chapter 4.1, p.3

⁷ "Conceptual Wildfire Life Safety & Sheltering Plan" draft dated 06/06/06 for the Stonegate/Merriam Mountains Development, prepared by the Kelly-Day Group, p.4 (included in its entirety in Appendix A).

⁸ "Conceptual Wildfire Life Safety & Sheltering Plan," *ibid.*, p.4

designed as a policy of “stay *or go early*.” Australian public policy emphasizes that at-risk or medically compromised individuals *must* be evacuated early.⁹ Early evacuation is not, however, an option in the NNP-Stonegate/Merriam development because of the predicted speed and intensity of the wildland fire combined with the large population density of 10,000+ people trapped within a marginally accessible mountain terrain.

- 2) **The Significant Density of Population.** The NNP-Stonegate/Merriam Mountains project proposes to place 10,000 to 13,000 people¹⁰ within development pockets in a steep mountain terrain. This is a huge number of people to place in harm’s way of an extremely fast-moving wildland fire. Merriam Mountain is currently zoned principally for one dwelling unit per every 20 acres.¹¹ This sparse zoning reflects the hostile topography and the inadvisability of dense development on such an inherently hazardous terrain.
- 3) **The Safety Issue of Protecting such a Large Development.** Growing human populations are responsible for igniting the vast majority of all wildfires.^{12,13} To situate a large population of 10,000 to 13,000 people in a poorly accessible, highly fire-hazardous area with an extreme burn rate is to ignore public safety.

In summary, if any one of the above three parameters is removed, the other two can coexist. However, they cannot all exist simultaneously:

- *Safety would not be an issue if the development did not exist (the situation as it is presently).*
- *Safety would not be an issue if the surrounding fire-hazardous terrain did not exist (of course, that would require the obliteration of all preserved biological open space both inside the development’s boundaries and outside of the development, neither of which is an option).*
- *If a large population density is placed within a mountain terrain that is a very high fire hazard severity zone, safety is impossible and therefore sacrificed (the NNP-Stonegate/Merriam proposal).*

⁹“Historical evidence for an Australian Approach,” Environmental Hazards 6 (2005) 81-91, John Handmer and Amalie Tibbits

¹⁰ Fire Protection Plan for Merriam Mountains, Deer Springs Fire Protection District, County of San Diego, TM 5381, Revised Final – May 2006; Appendix E: “Merriam Mountains Evacuation Plan, page 3 (Final July 2005) [cited population figures of 9,000 to 12,000 based on 2,391 units]

¹¹ County of San Diego General Plan 1984; Twin Oaks Area

¹² U.S. Department of the Interior, U.S. Geological Survey, Jon E. Keeley, research scientist with the U.S. Geological Survey and adjunct professor, University of California, Los Angeles; Nov. 2, 2003

¹³ “Planning for Wildfires,” American Planning Association, Report Number 529/530, 2005, p.6

(2) THE MEDICAL ISSUES

- ***Shelter-in-Place***

A development of 10,000+ residents will include individuals with various physical and medical conditions. When subjected to smoke, heat and stress caused by attempting to shelter in place during a wildland fire (not to mention the fire itself), many at-risk and medically compromised individuals will suffer injury and/or death. These at-risk people must be able to evacuate early in the event of fire. The following groups are those defined to be at-risk:

- 1) Infants and Young Children – infants and very young children have small and reactive airways and are especially vulnerable to smoke and heat^{14,15}
- 2) The Respiratory Challenged – those with asthma, chronic obstructive pulmonary disease (COPD), reactive airway disease, emphysema; infants, young children and the elderly^{14,15}
- 3) Cardiac Patients – those with angina, congestive heart failure, nominally normal individuals with underlying heart disease^{14,15}
- 4) The Elderly – many individuals will easily succumb to heat, smoke and stress^{14,15}

- ***Evacuation***

There is no way to accomplish an early evacuation of 10,000 to 13,000 people if the warning may be as short as 10 to 15 minutes, no matter if a few additional internal egress roads are added to the number currently available (basically two in the south of the project, both of which lead to the same external road) or if Deer Springs Road is widened (to four or even six lanes). All evacuation from Merriam Mountain becomes by definition a ***late evacuation***. The radiant heat energy from the fire will kill anyone caught in the open exposed to the fire. This will result in the burning of individuals and certain death. This is not an option, as stated in Stonegate's "Conceptual Wildfire Life Safety and Sheltering Plan" draft dated 06/06/06 (included in its entirety in appendix A).

¹⁴ "Smoke Inhalation Injury," Teofilo L. Lee-Chiong, Jr., M.D., Postgraduate Medicine, Vol.105, No.2

¹⁵ "Wildfire Smoke: A Guide for Public Health Officials," U.S.Environmental Protection Agency, June 2001

(3) PUBLICITY

This project has already attracted media attention because it introduces a radical new paradigm in the area of development and safety. There are no developments anywhere in the United States combining a large fuel load environment, high probability of fire, and no means to evacuate in a timely manner. The concept of "shelter in place" (SIP) was introduced to the Stonegate/Merriam project because of the admitted impossibility of a timely evacuation. The media has been skeptical of SIP (see enclosed DVD).¹⁵ Stonegate's project manager has even publicly stated that his company is "not excited with"¹⁶ and "not thrilled with"¹⁷ shelter in place, although the development is predicated on this method of fire protection. Nationally respected medical organizations such as the American Lung Association¹⁸ have warned of the catastrophic consequences of employing such a fire protection plan. Television networks (CBS¹⁹, NBC²⁰, FOX²¹), local and community newspapers (The Local News²², The North County Voice²³, The Meadowlark²⁴) and major San Diego newspapers (San Diego Union-Tribune²⁵, North County Times²⁶) are all covering the story. Extensive analysis of the project has already been conducted by professionals within the community, including physicians, engineers and public health experts. Input from nationally and internationally recognized experts has also been received. The conclusion reached is that there is no way to insure the safety of the 10,000+ residents given the parameters, location, and terrain of the proposed development.

There is unlimited passion and commitment by local community residents to make sure that an unsafe development such as the one proposed is never built. We intend to involve the national media as this compelling story moves forward.

¹⁵ CBS, NBC and FOX television news broadcasts on July 12-14, 2006 (see DVD enclosed)

¹⁶ Stonegate/Merriam project manager Joe Perring quoted in July 13, 2006 North County Times article (see appendix C)

¹⁷ Stonegate/Merriam project manager Joe Perring quote in CBS News Channel 8 news broadcast, July 13-14, 2006 (see DVD enclosed)

¹⁸ Letter from the American Lung Association to the San Diego Department of Planning and Land Use and The Deer Springs Fire Protection District, August 11, 2006 (see appendix B)

¹⁹ CBS Channel 8 television news broadcast, July 13-14, 2006 (see DVD enclosed)

²⁰ NBC Channel 7/39 television news broadcast, July 13-14, 2006 (see DVD enclosed)

²¹ FOX Channel 6 television news broadcast, July 12-13, 2006 (see DVD enclosed)

²² "The Local News" (a Copley newspaper), July 14, 2006 article (see appendix C)

²³ "The North County Voice, August 2006 article, Vol. 2, No. 3 (see appendix C)

²⁴ "The Meadowlark," June, July, and August 2006 articles (see appendix C)

²⁵ "The San Diego Union-Tribune," June 10, 2006 article (see appendix C)

²⁶ "The North County Times," July 10, 2006 and July 13, 2006 article (see appendix C)

(4) CONCLUSIONS

There are two critical issues to consider:

- 1) This proposed development jeopardizes the lives of 10,000 to 13,000 people by placing them in a severely fire hazardous area, instructing them to remain confined to their homes in the event of a wildfire, and offering no opportunity for timely evacuation. It is unacceptable for county planners to say that they are working on “minimizing” the risks of a planned development. If a development is unsafe, an Amendment to the General Plan allowing the project to be built ***should not be granted. There is no such thing as an acceptable level of casualties when planning a housing development.*** NNP-Stonegate has chosen an extremely hazardous location for the building of a dense, urban project. All government officials involved in the approval process (including but not limited to the DPLU, the five members of the County Board of Supervisors and the County Chief Administrative Officer) have been apprised of the risk to public safety and will be updated on a continuous basis.
- 2) It would be advisable to acknowledge the problem and formulate a response that serves the best interests of the residents of the proposed development. It is unfortunate that the developers of this project failed to recognize the threat to health and safety that characterizes this project and sets it apart from all other developments in the county and the nation. It is the responsibility of San Diego County planners to refuse to grant a General Plan Amendment that jeopardizes public safety.

See page 4

DRAFT - DRAFT - DRAFT- DRAFT - DRAFT - DRAFT- DRAFT- DRAFT - DRAFT
June 6, 2006

DRAFT

Conceptual Wildfire Life Safety & Sheltering Plan

Prepared for

**Stonegate's Merriam Mountains Development
San Diego County, California**

Developed by
The Kelly Day Group, Inc.
P.O. Box 19039
Sacramento, California 95819
916.452.3701

DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT
June 6, 2006

DRAFT

Part I - Introduction

The Merriam Mountain Development is located in the unincorporated area of San Diego County that is north of the cities of Escondido and San Marcos and has a general boundary area of I-15 on the east, Deer Springs Road on the south, Twin Oaks Valley Road on the west and Gopher Canyon Road on the north. Structural fire protection is provided by the Deer Springs Fire Protection District and the wildland fire protection is provided by the California Department of Forestry and Fire Protection under the provisions of the California Health and Safety Code and the California Public Resources Code.

The Merriam Mountain Development is located in a geographic area classified by the California Department of Forestry and Fire Protection as a "High Fire Hazard Severity Zone in accordance with Sections 4201-4204 of the California Public Resources Code. Due to the identification of this development's location, it is imperative it incorporates recognized design and construction standards to provide for a fire safe community to withstand the threat and impact of a wildfire. As part of the approval process for the development of a new community, a basic requirement is set forth by the fire protection authority to develop a written Fire Protection Plan. As part of the overall Fire Protection Plan, it is imperative that it includes a specific component identifying the approach for the life safety and sheltering of the residents during a wildfire incident. Furthermore, the development and implementation of a Wildfire Life Safety and Sheltering Plan provides a significant planning tool for the fire department and law enforcement in terms of resource allocation during a wildfire incident.

For more than 50 years, California's fire experience involving urban-wildland interface zones has clearly identified that when extreme weather conditions are coupled with multiple fire incidents, the resources of the fire and law enforcement agencies are often overtaxed placing people's lives and property in jeopardy.

As a result, the fire service community and planners have recognized that they must look at alternate means of providing life safety and fire protection for those communities located in the urban-wildland interface zones. The use of computer generated fire modeling programs and the development of specific wildland fire scenarios has provided the tools and knowledge required to implement specific construction standards along with design fuel modification and vegetation management programs to reduce and/or eliminate the fire threat to planned communities without requiring substantial levels of intervention by fire suppression/law enforcement personnel and equipment.

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June 6, 2006

In addition to the planning and design components involved in developing a fire safe community, fire officials have continued to identify a series of problems and hazards associated with evacuations of expansive areas during major wildfire incidents. Unfortunately, numerous fire deaths and injuries have occurred over the past few years during evacuation attempts.

It is clearly recognized that basic human behavior creates a multitude of problems for fire and law enforcement personnel during extreme emergencies. All too often, changing conditions preclude a timely notification to allow for an orderly and safe evacuation or situations are compounded by the public either waiting too long to evacuate or refusing to evacuate at all. In either situation, the risk level is increased to an unacceptable level as it increases the demand on valuable resources and jeopardizes too many lives. Wildfire conditions often require a decision to make a fire attack rather than attempting to accomplish an evacuation leaving the public at risk. In response to this situation, many fire officials have come to recognize the benefits of designing a fire safe community that includes sheltering in place or in some cases providing for minor relocations within the community as this concept benefits all and avoids a system failure. In fact, during the 2003 Cedar Fire (San Diego County), CDF Chief's Ray Channey and Bill Clayton both used their knowledge and experience to save what has been described as hundreds of lives by ordering two large groups of people to shelter in place rather than subjecting them to the hazards of attempting to outrun a wildfire. San Diego County and CDF officials are currently wrestling with the challenge of determining whether an evacuation is worth trying. According to Deborah Steffen, San Diego County's Director of Emergency Services "If you look at our freeways in the afternoon and think about trying to put 3 million people on the road at one time,... it just wouldn't be practical" when speaking about the development of large scale evacuations.

Part II – Merriam Mountains Development Wildfire Life Safety and Sheltering Plan

In contrast to existing areas within the Deer Springs Fire Protection District that have been developed without benefit of today's fire safe standards, planned fire safe communities incorporate features that eliminate or significantly reduces many of the fire protection issues identified in past wildland fires involving the urban-wildland interface zone. There are currently five (5) designated "Shelter In Place Communities" within the Rancho Santa Fe Fire Protection District in San Diego County which have incorporated similar fire safe designs to those proposed for the Merriam Mountains Development. In fact, the fire safe conditions that exist in the communities of 4S Ranch, The Bridges, Cielo, The Crosby and Santa Fe Valley have resulted in a directive from the fire department for the residents to not evacuate and to remain sheltered in their homes during wildfire incidents.

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June 6, 2006

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In common with the aforementioned “Shelter In Place Communities”, the Merriam Mountains Development incorporates fire resistive construction including fire resistant roof coverings, residential fire sprinklers, fire resistive landscaping and a managed fuel modification program, adequate roadways to serve two way traffic and large firefighting apparatus and has the benefit of fire stations staffed by full-time personnel within a five minute response time. The development will also incorporate and participate in early emergency notification programs.

The Merriam Mountain Development Wildfire Life Safety and Sheltering Plan is based on a series of components that incorporates the findings from on-site inspections, fire prediction computer modeling (BEHAVE), the related wildland fire scenarios developed by the California Department of Forestry & Fire Protection, a review of the available fire suppression capabilities, evacuation routes and the design principles incorporated into the development plan. The development of this Wildfire Life Safety and Sheltering Plan has also taken into consideration the avoidance of directing residents to evacuate through inherently dangerous fire prone areas using alternate evacuation routes. As part of the development, emergency escape routes will be signed in accordance with the standards adopted by the Deer Springs Fire Protection District to direct residents and visitors to the pre-identified evacuation routes. Furthermore, the plan reduces the potential for impacting the adjoining roadways and highway in the event an area wide evacuation became necessary. The last factor is the establishment of the Homeowner’s Association which will have the authority and the resources to maintain a fire safety educational program based on the overall Fire Protection Plan developed for this specific community including the issuance of an Emergency Fire Safety Procedures Manual in conjunction with the Deer Springs Fire Protection District. Under this concept the Emergency Fire Safety Procedures Manual is proposed to be similar to the copyrighted documents published by the Rancho Santa Fe Fire Protection District as shown in Exhibit A.

In the event wildfire conditions threaten the development, this plan outlines two distinct fire conditions which will dictate the actions of the residents based on the time elements, health considerations and overall general public safety.

Fire Condition One:

The plan under Fire Condition One becomes operational when a wildfire is reported in the open space within the development’s boundaries or immediately adjacent properties. Under Fire Condition One, there is not adequate time or the resources to provide for an orderly and successful evacuation based on the CDF fire scenarios which predict an extreme rate of burning. During these fire conditions it is the intent of this plan to use the “Shelter In Place” concept with pre-instructed residents remaining inside their homes until the fire front has passed reducing the inherent risk of attempting to out run the fire. Resident notification will occur through the use of the community installed sirens which will be activated by the Deer Springs FPD upon receipt of an alarm for a pending fire emergency.

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Actions to be taken by the homeowners are:

- Close all windows and doors
- Open all curtains and draperies beyond the window
- Shut off the heating/air conditioning system.
- Move combustible exterior patio furniture away the house.
- Make sure the garden hoses are pre-connected and ready for use after the fire front has passed.

Additional warnings and follow-up instructions will be provided through the San Diego County Reverse 911 System and the local news media based on information received from the San Diego County Sheriff's Office and the Deer Springs Fire Protection District.

Fire Condition Two:

Fire Condition Two becomes operational when wildland fires occur in the general area and are predicted to spread without the potential for containment and/or smoke conditions represent a significant health problem. The County of San Diego's Reverse 911 System, law enforcement and other media systems are implemented to advise residents to evacuate to a pre-identified location following the specific evacuation routes. Under this condition, time sequences must be such that an orderly evacuation can be accomplished with private vehicles using the pre-determined evacuation routes leading to public safe areas or to adjacent surface streets and/or I-15. The key to a successful evacuation is the ability for the residents to evacuate without placing them at risk from an approaching fire. Upon notification by the Deer Springs Fire Protection District, media broadcasts will be used to inform those displaced when it is safe to return.

Merrriam Mountains Evacuation Plan

Introduction

As stated in the Conceptual Fire Protection Plan (CFPP), the Merriam Mountains development has been designed so that the entire development will survive a "worst case" wildfire incident without any structure loss and without loss of life and will not require the intervention of the Deer Springs Fire Protection District and surrounding mutual aid Fire Departments, thereby allowing these Fire Fighting resources to concentrate on containing and checking the spread of the wildfire. All homes will be designed and built with fire resistant features and will have interior sprinklers. In addition, every yard of every home will require irrigated fire resistant landscaping within 50 feet of each side of each home and fuel modification zones of 150 feet to 225 feet will surround each development area. ??

Although large area wide evacuations are rare, it is appropriate, in light of the 2003 fire season, to consider and plan for evacuation when developing the CFPP for the Merriam Mountains development.

Evacuation Authority

The County of San Diego Sheriffs Department has the authority and responsibility for evacuations in emergency situations. This Draft Plan has yet to be coordinated with the County Sheriff.

Evacuation Plan

In the event of a wildfire predicted to reach the Merriam Mountain development the Incident Commander assigned to the fire will order the request for evacuation. The order would be conveyed by the Emergency Communication Center for the wildfire to the San Diego County Sheriff's Office who would initiate the order to evacuate.

The order could be given by:

- 1) Reverse 911 calls.
- 2) Patrol cars with a public address system driving through the neighborhoods.

Once the Evacuation Order has been initiated, residents will be directed to leave their homes and proceed in an orderly manner to a pre-designated location by the quickest and safest route. Merriam Mountains residents would likely use the primary access points which are Merriam Mountains Parkway, Meadow Park Drive, and Rock Bluff Drive. Under the worst case assumption all 2,391 homeowners are in the project at the time the order to evacuate is initiated.

Under this assumption the following traffic distribution pattern is expected with many homes driving out two vehicles for an estimated 5,000 vehicles leaving the project area at essentially the same time.

Merriam Mountains Parkway	# of vehicles: <u>1,500</u>
Meadow Park Lane	# of vehicles: <u>2,000</u>
Rock Bluff Drive	# of vehicles: <u>1,000</u>
Lawrence Welk Drive	# of vehicles: <u>15</u>
Camino Major	# of vehicles: <u>500</u>

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It is estimated that the project could be evacuated in 60 minutes.

County Of San Diego Requirements

The County of San Diego requires all developments in Wildland Urban Interface areas to provide a secondary access route out of the development in the event that a rapidly spreading wildfire over runs the development and cuts off the normal ingress and egress access routes.

Because the greatest and most probable threat of a structure threatening wildfire is from the north and east under a Santa Ana wind condition, secondary access routes have been identified out the west and south sides of the Merriam Mountains Development into the City of San Marcos. These routes are listed above.

All secondary access roads will be paved and maintained to a 24-foot width. All secondary access roads will be gated, unless it is determined that these routes will remain open for normal alternate access ingress and egress. If these roads are to be gated the following requirements must be met.

- 1.) All gates must be approved by the Fire Agency Having Jurisdiction (in this case the Deep Springs Fire Protection District Fire Chief).
- 2.) All automatic gates across fire access roadways shall be equipped with approved emergency key-operated switches overriding all command functions and will open the gates. Gates accessing more than four residences shall also be equipped with approved emergency traffic control-activating strobe light sensor(s), or other devices approved by the Chief, which will activate the gate on the approach of emergency apparatus with a battery back-up or manual mechanical disconnect in case of power failure.
- 3.) Keypads may also be installed for residents to use in emergency situations. The four-digit code would be provided to all residents.

The Merriam Mountains HOA, in coordination with the San Diego County Sheriffs Office shall hold and conduct an emergency evacuation drill annually, prior to the summer/fall wildfire season to insure all residents know what to do in an emergency. Block Captains should be appointed/identified for each neighborhood. The location of all disabled persons that may need special assistance shall be known to all Block Captains (consider some type of placard on the garage door).

An emergency evacuation site, large enough to accommodate the projects 9,000 to 12,000 residents, must be identified somewhere in the City of San Marcos to check in and account for all evacuees. A critique will follow each drill and each actual implementation.

All residents shall be provided with a list of what actions to take prior to an emergency and in the event of an actual wildfire emergency.

In the event of a pending wildfire emergency:

- 1.) Immediately close all doors and windows.
- 2.) Gather up important records, papers, photos, etc.
- 3.) Stay off the streets to provide unhindered access for emergency equipment.
- 4.) Evacuate only when given the order to do so (usually via a loud speaker from a County Sheriffs Patrol Car or a reverse 911 phone call.
- 5.) Close the garage door after exiting the garage.
- 6.) Follow directions and drive carefully given that visibility may be extremely poor due to heavy smoke.
- 7.) Proceed to the designated evacuation center for resident accountability and check in.
- 8.) Critique.
- 9.) Implement needed changes as a result of the critiques.

END

**Fire Implications of the Proposed Stonegate/Merriam Mountains Development
(located in the Twin Oaks Valley area of North San Diego County, California)**

A land speculation group named Stonegate Development LLC (based in Laguna Hills, CA) has submitted plans to the San Diego County Department of Planning and Land Use requesting a General Plan Amendment to build a **2,700-unit** residential housing project in an unincorporated area of North San Diego County. The project site is a rugged, highly fire-prone, largely unpopulated terrain called Merriam Mountains (located in rural Twin Oaks Valley).¹ Ultimate fire jurisdiction over the unincorporated areas of California lies with the California Department of Forestry and Fire Protection.²

The current zoning for the 2,327-acre Stonegate/Merriam site is one dwelling unit per 4, 8 or 20 acres. Under the updated incoming "20/20" General Plan for San Diego County³, the zoning for this area will be even less dense: one dwelling unit per 40 acres. The zoning regulations reflect the ruggedness and slope of the terrain which is as follows:

SLOPE⁴

Under 15%	8.9 percent
15-25%:	10.8 percent
25-50%:	47.9 percent
50%+:	32.2 percent

Of the 2,327-acre site, the Stonegate/Merriam project of 2,700 housing units will be concentrated on building pads totaling approximately 383 acres⁵, resulting in an **effective** density about **140 times greater** than permitted under current zoning law. When Stonegate's own civil engineers initially studied the Merriam Mountain site in 2000, they concluded that the site could support **434** units.⁶ In spite of vehement and unanimous community opposition to the 434-unit project proposal (which was double the density allowed by the General Plan), Stonegate has decided to further increase the project size: to **2,391** units in the year 2003 and most recently to **2,700** units in the year 2006.

The project site of Merriam Mountains has been identified as one of the **most fire-prone** environments in the state of California, given the combination of extremely steep slopes, dense vegetation and heavy brush that has grown unchecked for more than 100 years and exacerbated by prolonged periods of drought, resulting in a terrain that is tinder dry and highly flammable. For planning purposes, the California Department of Forestry recently devised three probable fire scenarios (released in March 2004) for North San Diego County.⁷ Merriam Mountain figures prominently in **two of the three** scenarios. One of the scenarios is in fact called the **Merriam incident**. This draft scenario states: "The fire would progress rapidly up the steep slopes through very heavy fuels and would reach the top of the ridge in approximately 10 to 15 minutes. Driven up steep slopes by high winds, the fire would crest the San Marcos Range and would be descending

¹Specific Plan General Plan Amendment Report/Merriam Mountains / January, 2006 / Page 1.1 / Figure 1-1

²Telephone conversation with CDF San Diego Region Unit Forester Thomas Porter; May 19, 2006

³County of San Diego General Plan 1984: Twin Oaks Sponsor Group Area

⁴Letter to Gary Pryor, Director San Diego County DPLU, from Twin Oaks Valley S.G.; August 8, 2003, p.5

⁵Calculated from Specific Plan Amendment: Proposed Land Use Plans (Neighborhoods 1-5); January, 2006

⁶Letter to Gary Pryor, *ibid.*, from William J. Schwartz, Jr., attorney for Stonegate; October 11, 2000, p.2

⁷San Diego Union-Tribune article: "Preparing for the Worst" by Michael Burge; March 28, 2004

into the Warmlands area in a matter of minutes.” This fire has the potential to burn 8,200 acres in a 4-by-5 mile area that includes Deer Springs, Twin Oaks Valley, San Marcos and Vista⁸. In the December 2005 Community Wildfire Protection Plan for Communities in the Deer Springs Fire Protection District prepared by the Deer Springs Fire Safe Council, the CDF has concluded that a fire in the Merriam area “would be virtually impossible to control.”⁹

The Deer Springs Fire Protection District (in whose fire protection jurisdiction the Merriam project largely falls) has been engaging in ongoing negotiations with the developer in order to reach an ‘accord’ relating to mutually acceptable brush clearances and setbacks, road widths, fire-resistant building and plant materials, and other concerns. The Deer Springs Fire Protection District personnel (including board members and CDF advisors alike) have repeatedly emphasized that it is not their job to stand in the way of development. This belief seems to override the Fire District’s principal obligation which is to insure that a development be effectively fire-protectable (and that includes provisions for adequate egress).

A community presentation was made to the Deer Springs Fire Protection District Board on May 10, 2006.¹⁰ Highlighted in this presentation were the following concerns:

- 1) **Roads**: Only two internal roads service the Stonegate project, both of which lead to the same single overburdened rural county road (Deer Springs Road). Deer Springs Road is currently a 2-lane road with a failing level of service of “F”. The San Diego County Planning Circulation Unit has conducted an assessment of this road if it were widened to 4 and 6 lanes *without considering the Stonegate project*. It was concluded that Deer Springs Road would also fail as a 4-lane road (with a Grade F) and barely pass as a 6-lane road, using computer models based on the incoming 20/20 General Plan. Both conclusions *excluded the Stonegate project*. If the Stonegate project were to be built, that would add an additional *30,000 vehicle trips per day* to the area and Deer Springs Road would fail as a 4-lane road or a 6-lane road.¹¹ The failure of Deer Springs Road to accommodate traffic under normal conditions is a serious problem. The panicked exodus of traffic in the event of fire and the inevitable gridlock will prove catastrophic.
- 2) **Evacuation**. Presently the Highway Patrol and Sheriff’s Department are in charge of evacuation. Until the Stonegate project was proposed, there had not been a critical need for the Fire District to coordinate plans with the Sheriff and the Highway Patrol to see if it is possible to effectively evacuate 10,000+ residents from a proposed development. The Stonegate project requires a fire evacuation plan that can also manage inevitable panic and chaos and allow the Fire Department to do its job. People are going to follow their natural instinct to flee in the face of fire, no matter what “assurances” have been given that their homes are built out of “fire-resistive” materials. There has been no satisfactory communication or coordination between these agencies in terms of plans for evacuation if fire occurs on Merriam Mountain.
- 3) **Time**. The speed with which the fire will spread is unusually fast (by CDF’s own Merriam scenario, a fire will roar up the steep slopes and reach the crest within 10 to 15 minutes). Adequate response time by the Fire Department will not be achievable.

⁸Article in the San Diego Union-Tribune, “Preparing for the Worst,” by Michael Burge; March 28, 2004

⁹Community Wildfire Protection Plan, Deer Springs Fire Protection District; Dec. 2005, page 3 (4.1 Fuels)

¹⁰Community Presentation to the Deer Springs Fire Protection District Board; May 10, 2006 (attached)

¹¹San Diego DPLU GP2020 Road Network Planning for Twin Oaks Valley; April 19, 2006

- 4) **Fuel.** This project incorporates 1,495 acres of open space composed of highly combustible vegetation and explosive tinder, in addition to the rest of the Merriam range that surrounds the project. The CDF has identified Merriam Mountain as having one of the highest probabilities of fire in the state.
- 5) **Probability of fire starting.** There is a greatly *increased likelihood* of a fire starting given such a high density of people (and children in particular) packed into a fire-prone terrain. This will have devastating consequences for the communities adjacent to Merriam Mountain as well. Depending on the prevailing winds, fire on Merriam Mountain has tremendous potential to engulf scores of adjoining rural communities.

**Comments made by Rancho Santa Fe Fire Marshal Cliff Hunter
during his Community Presentation on "Shelter-in-Place"
June 30, 2006**

(videotaped by the community)

- "My recommendation for you if you have a health problem, you evacuate and you get out early. I do not want you to stay in your structure."
- "If you have a health problem, smoke will be a problem."
- "Windows can fail because they can break. Short bursts of hurricane-force winds [which occur during firestorms] could cause windows to break very easily."
- "Radiant convection heat from fire can set your drapes on fire."
- "The temperature in a wildfire reaches 1400 degrees. Fire-wise houses are ignition resistant, not fire-proof."
- "The temperature reaches 1200 to 1400 degrees for up to 15 minutes."
- [In response to the statement: "There should be the potential to evacuate in an efficient fashion to save the lives of the elderly, those with chronic disease, children, the medically compromised"]. Marshal Hunter's answer: "I agree with you."
- "[SIP] is not the answer to a project."
- "I don't want you to die in your house from either smoke or fire."
- "If you are uncomfortable with staying in place, I want you to leave. We always give you a chance to evacuate."
- "Out of the 22 homeowner's groups I've met and given this presentation to, most of the people are going to leave and they are going to leave early. They are not going to stick around."

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MARCH 2004 ISSUE

Crying "Fire!" in a Crowded Landscape *Do Firewise initiatives ward off—or help spark—catastrophic wildfires?* By Kim Sorvig

"I've never seen the sunrise so bright," ASLA's past president Dennis Otsuji recalls his wife saying. "It's bright orange to the east."

The date was October 26, 2003, and what they were seeing was the glow of the Cedar Fire, 10 miles from their San Diego home of 18 years. One of seven wildfires that scorched 600,000 acres from Los Angeles to the Mexican border in a week, the Cedar Fire ultimately destroyed nearly 1,500 homes and killed 15 people.



Paul Grupp Photo

"It was smoky," Otsuji, FASLA, remembers, "and I said, 'uh-oh, another fire.' An hour later they were telling us to get out."

The Otsujis' property is located in a quiet suburb near Poway, on San Diego's hilly northeast side, which is punctuated with small canyons where chaparral and eucalyptus thrive. Grabbing their pets and a few possessions, the Otsujis fled down the main road south.

"As soon as we started, the roads were jam-packed. We were just basically parked trying to get out of there," Otsuji says. On their heels came 100-foot-high flames, rushing before the Santa Ana winds. Otsuji figures that a slight change in the wind direction is the only thing that saved him and many of his neighbors from a fiery death.

Shortly after the evacuees escaped, the winds changed again. The fire swept up the valley, devouring long-neglected understory beneath the eucalyptus and sometimes jumping into the canopies. When the fire reached the Otsujis', the house burned so fast and hot that nails from the wood deck dropped to the sooty ground in perfect rows. Blue-glazed planting pots shattered symmetrically, leaving cylinders of baked soil holding small singed palms. Structural concrete spalled in the heat. Aluminum was reduced to unidentifiable puddles, yet a plastic trash barrel survived, its warped and bubbled side still bearing the legible inscription "City of San Diego."

Bob Younger woke at one in the morning, smelling smoke. His wife Sandra, a consultant to San Diego landscape architects Deneen Powell Atelier (DPA), slept on. Bob called the nearest fire station, three miles away, and was told that the fire was moving in a direction that didn't threaten their house. Two hours later, he and Sandra woke again to see fire coming across the far side of Wildcat Canyon, which their house overlooks. "We thought, 'ok, it's the other side, we've got a little time,'" Bob says. "Literally seconds later we saw it right here."

Wildcat Canyon is textbook "Urban Wildland Interface," the term firefighters use for areas where residences spread into rugged wooded landscapes. The steep hills are

covered with a mix of chaparral and coastal sage—two fire-adapted vegetation communities—and oak groves are in the stream bottoms. It has views clear to Mexico and was exactly where the Youngers wanted to live. "It put our hearts at rest," says Sandra.

If any home should have been fire safe, it was the Youngers'. The contractor took every fire precaution with the house, and the Youngers had spent \$10,000 on officially recommended landscape measures just a month before the fire. "This house was built with all the fire-safe things in mind—stucco outside, flush windows, sealed soffits," notes DPA's Jon Powell, ASLA, a close friend. "Below the house was pretty much cleared, all the correct stuff, low plants, no touching canopies, trimming in between, all that." In addition, the Youngers had a second firebreak created farther from the house and added a 10,000-gallon water tank with gravity-feed sprinklers. "Even though the power went out," says Bob, "it dumped all that water into this house, but it didn't make a lot of difference."

The Santa Anas were gusting to 70 miles per hour in Wildcat Canyon that night. The fire blew out the windows, in some places without touching nearby vegetation. "Once the fire's inside, there's really nothing you can do," notes Bob Younger. "The kitchen had granite countertops, and you could crumble the granite in your hands." Based on that and a melted porcelain tub, insurance experts estimated temperatures at nearly 5,000 degrees.

Twelve of the fifteen people who died in the San Diego fires perished within a mile of the Youngers, who were the last people to get out of Wildcat Canyon alive. "Considering the intensity of the fire and how quickly it moved, it's remarkable more people didn't die," says Sandra. She and Bob, with their dogs and Bob's wildlife photographs, drove through fire and smoke "so thick we literally couldn't see anything," she recalls. "I couldn't see the road. This bobcat jumped out of the bushes, running from the fire, right in front of our car. I could see him just enough to know he was running down the road, and I followed him. That's how I knew where the road was."

What is unusual about these two stories, beyond personal tragedy and courage, is what they say about landscape ordinances that promise fire safety through vegetation removal. If those promises were reliable, neither the Youngers' nor the Otsujis' house would have burned.

With 33 years of landscape practice in San Diego, Dennis Otsuji is no newcomer to this naturally fire-prone region. Newcomers, clueless about regional conditions, are often faulted (sometimes justly so) for being in denial about fire issues and for refusing to clear their landscapes. Otsuji, an advocate of regionally adapted design, knows the issues well enough to have helped revise fire codes that he calls haphazard. He and his neighbors had taken steps to protect their houses and landscapes.

"I thought I knew our weak points," says Otsuji, "and changed them. But on our street it was hit or miss. My neighbor above, the fire went all the way to his fence, burned all the eucalyptus trees, singed all his plant materials against his house, didn't burn his trellis, which is wood." But in almost identical conditions at the Otsujis', when the fire rushed up a vegetated cut slope to their property line and a wood deck, it didn't stop. "It followed the manufactured slope on our side, came in the yard, caught the house on fire, and that was it. And then it skipped two houses and got one more."

Otsuji had designed and built the garden himself. It should have met most of the guidelines advocated by "Firewise" groups, whose federally funded publicity places extreme emphasis on "defensible" (cleared) landscapes. Japanese influenced in style, the garden contained primarily ground cover and small trees, their canopies not touching, and it was subdivided by water features, pavement, and the courtyard-based design of the house itself. "Things we did," Otsuji notes, referring to the whole neighborhood's efforts, "stopped the fire in certain situations but not others."

If a seasoned landscape architect, well versed in local conditions, can't guarantee

Part 3 of 3 Attach J Page # 122

the safety of his home by following landscaping codes, how can those codes help homeowners with less expertise, or people who are in complete denial about the dangers of fire?

The Youngers may not have Otsuji's depth of personal experience in landscape management, but they made sure to comply with the best official advice they could get. Following the letter of Firewise regulations did nothing to protect the Youngers or their neighbors. None of the houses on the Youngers' hill survived, although all were built similarly for fire resistance. On the far side of Wildcat Canyon, though, two houses stand surrounded by uncleared and unburnt greenery. A small fire burned there three years ago, and was contained by firefighters. "What burned then didn't burn now," notes Bob Younger. As Powell puts it, smaller local fires prevent the catastrophic ones. Precautions like the Youngers took could withstand such lower-intensity fires, but as fires burn ever hotter, says Powell, there's no defending against them.

When cleared "defensible space" fails to defend homes where recommended precautions have been taken, something is wrong. At the least, Firewise clearing puts an official stamp on a false sense of security. At worst, clearing appears to contribute to regional conditions that are making intense wildfires more frequent and more volatile.

What is happening when fire-prevention recommendations, produced by experts, often enforced by law, and followed conscientiously by the Otsujis, the Youngers, and probably countless others, fail to deliver the promised protection?

This question can only be understood by analyzing whole landscapes and multiple issues, an approach landscape architects need to bring to this critical policy debate. What are the unintended consequences of fire-prevention policies in fire-prone ecosystems?

"There are so many factors involved in fire behavior," says one disgusted firefighter who wishes to remain anonymous, "that to advocate using one single factor for control is misinformation of the lowest sort." Yet Firewise codes, publicized at immense taxpayer expense, hammer away at a single issue—landscape clearance, a.k.a. "fuel modification" and "defensible space." Although some codes also advocate resistant building materials, improved access roads, and even zoning restrictions, the first message to the public is always, as Otsuji puts it, "Mow down all the trees."

Mission Trails Regional Park, a 4,500-acre open space a few miles south of Otsuji's house, illustrates the complex roles that landscapes play in fire zones—roles not always well recognized even when they save property and lives.

Ranger Sue Pelley has fought wildfires alongside volunteer and professional firefighters, but today she concentrates on Mission Trails' role in public environmental education. When the recent fires roared through the chaparral and coastal sage of the park's northwestern half, she says, "it was almost ideal as far as the kind of fire we'd like to see"—that is, one that will clear out growth. The chaparral, with its typical mix of resinous plants like *Ceanothus* (many species of "California lilac"), burns hot enough to expose bare mineral soil, required to germinate many fire-adapted species. In coastal sage areas, the fires burn less intensely, removing grasses. Even before Firewise regulations, residential clearing had destroyed some 90 percent of coastal sage communities, once dominant across southern California.

The park landscape stopped the fire, sparing not only Mission Trails' multimillion-dollar visitor center but also neighborhoods beyond the park. "It just stopped at the San Diego River," says Pelley, "running out of fuel and reaching moist ground. Time of day and temperature played a big part as well." In San Diego, like most urban areas, many of the stream courses that once acted as natural firebreaks have been paved over. Other valleys have become open space and may actually conduct fire into neighborhoods due to lack of maintenance. In the case of Mission Trails, the natural conditions conserved in the park protected adjacent neighborhoods.

Part 3 of 3 Attach J Page # 123

Not all the neighbors recognize their debt to the park's native vegetation. One neighborhood, outraged by the loss of several homes, "didn't want anything to be allowed to grow back in Mission Trails. They just wanted iceplant (a hard-to-burn succulent ground cover) planted everywhere."

Pelley understands the fear and frustration that drive such demands, but blaming vegetation for doing what it is adapted to do is no solution. "The idea we have to erase," she notes, "is that we can prevent forest fires. Smokey the Bear has been telling a story for a long time, and that's not really the story we need to tell."

The story people need to hear is specific to region and ecosystem. Current wildfire research is displacing conventional wisdom based on "short periods of study and not enough information," Pelley says, but even so, there is too much one-size-fits-all theorizing. For example, here in the chaparral, she says, "a lot of fire management practices are being based on data from pine habitat, which is completely different." She cites California biologist Richard Halsey's research showing that while historical fire suppression in pine forests has made stands denser and crown fires more frequent, wind-driven chaparral fires have been a constant over the past 500 years.

Regulations based on canopy conifer forests aim to eliminate underbrush and leave thick-trunked, well-spaced trees. These concepts don't deal with the reality of chaparral, which can be crudely called "all brush and no trees," with high winds fanning flames to enormous lengths. Both Pelley and Otsuji note that San Diego County's clearance requirements—from 30 to 100 feet—are inconsistent, while Powell expresses dismay that "the fire department is becoming the single overriding force in urban design." Echoing the Youngers' experience, Pelley says, "I think massive clearing is altogether foolish because nothing's going to protect your structure if the wind's blowing."

Southern California has enforced landscape-clearing regulations for years (see "Design Under Fire," *Landscape Architecture*, December 2000). Yet even Ventura County, which guarantees compliance by clearing reluctant owners' properties for them, had two vast fires this year. There, even some of the most cleared landscapes imaginable—agricultural ones—burned: vineyards, orange groves, even boxed ornamental nursery stock.

Simplistic dogma about clearing still abounds. Near the barely spared town of Julian, 40 miles east of San Diego, just beyond an utterly charred state park, the California Department of Forestry still displays a typical sign. "Reduce your risk of wildfire," it exhorts passersby. "Clear 30–100 feet away. Make it safe to stay."

"What they really need to look at is policy change and building material changes," says Pelley. But zoning changes would provoke lawsuits, and fireproof construction costs both homeowners and developers. Far easier to get people to enlarge lawn- and shrubscapes and let them think this makes it "safe to stay."

A false sense of security may be the least of the damage done by fire-prevention clearance. There is growing evidence that clearing actively contributes to conditions that are making fires more intense, frequent, and uncontrollable across the United States and the world.

"If someone told these homeowners," one landscape architect mused, "that a logging company was about to remove 50 to 80 percent of the vegetation around their home, they'd scream bloody murder." Yet that is the average required by Firewise regulations for distances that add up to astonishing acreages (see "Doing the Math").

The effects of removing significant percentages of existing vegetation from an area are well-known. Organic matter that would normally fall as leaf litter and compost into the soil is removed. This decreases the soil's capacity to retain water and make it available to plants, and it also lessens the soil's structural stability. Removing vegetative cover, which normally holds soil in place, leads directly to soil erosion, which removes yet more organic soil in a vicious cycle. Runoff also increases so that less precipitation stays around long enough to infiltrate the soil. With canopy shade removed, the soil bakes and crumbles, eroding more easily. Soil temperatures rise,

as well as localized air temperatures. Last but not far from least, the cleared vegetation no longer absorbs CO₂; the loss of CO₂ "sinks" is being urgently monitored as a leading cause of global warming.

Warming and drought, in fact, are the common threads through all the effects of clearing. Drought is what is really driving wildfire today; the California Department of Forestry's own pamphlets state this flatly, and hardly anyone disagrees. Parched soil with dry, stressed, and dead plants provides ideal conditions for fire. Relatively small increases in air temperature can transform a calm burn into an inferno. The same temperature changes, linked to global warming, are believed to be responsible for gustier winds and sudden fluctuations in weather—both of which make fire harder to fight. Clearing on the scale demanded by Firewise regulations contributes to each of these dangers.

Scientists are only beginning to quantify the relationships among clearing, drought, and fire, but that is no excuse for ignoring the likelihood that clearing to prevent fire is like damming rivers to prevent floods. Processes like flooding and fire are inevitable, and even though a "prevention" strategy may work in some cases, it can actually worsen the problem.

Although the political and social issues of wildfire are immense, landscape architects have a contribution to make. Without a whole-landscape view of fire, drought-driven conflagrations will continue to intensify, and accepted "safety" measures will become increasingly ineffectual (see "Alternatives,"). "This might be the right time for the national ASLA to put a task force together," says Otsuji, calmly thinking ahead beyond his personal losses. Along with landscape ecologists and planners, our profession might just have the beginnings of answers that work better than "clear away, safe to stay."

A resident of Santa Fe, Kim Sorvig won the 2002 Bradford Williams Medal for landscape writing.

Resources

(These resources were originally listed at the end of the article "Will Wildfire Ravage Our Profession?" *Landscape Architecture*, December 2001, and have been modified for this article.)

Publications:

- Colorado Plateau & Land Use History of North America Project posts many good papers at www.cpluhna.nau.edu. A subpage—[/Biota/wildfire.htm](http://www.cpluhna.nau.edu/Biota/wildfire.htm)—is specific to fire-adapted forest ecology.
- "Effects of Fire Suppression on Ecosystems and Diversity," by John D. Stuart, and many related articles can be found at biology.usgs.gov/s+t/SNT/noframe/tu107r.htm.
- "Forest Restoration in Southwestern Ponderosa Pine," Dennis Lynch et al., in *Journal of Forestry*, August 2000.
- *In Fire's Way: A Practical Guide to Living in the Wildfire Danger Zone*, by Thomas Wolf, University of New Mexico Press, 2003.
- *Mapping Wildfire Hazards and Risks*, edited by R. Neil Sampson et al.; Food Products Press, 2000.
- Stephen J. Pyne's books on fire history: *America's Fires: Management on Wildlands and Forests*, 1997; *Fire in America: A Cultural History of Wildland and Rural Fire*, 1997; *Introduction to Wildland Fire*, 1996; *Wildfire: A Reader*, 2001; *World Fire: The Culture of Fire on Earth*, 1997.
- Wildland-Urban Fire Research publications can be found at www.firelab.org/fbp/fbresearch/wui/pubs.htm.
- *Yellowstone and the Fires of Change*, by George Wuerthner; Dream Garden Press, 1989.

Conventional Fire-Protection Organizations:

(These groups tend to favor aggressive vegetation removal.)

- Firewise, www.firewise.org.
- National Fire Plan, www.fireplan.gov/content/home. This site includes links to many fire-related sites.
- National Fire Protection Association, www.nfpa.org/Home/index.asp.

Doing the Math

Official policy ignores the concern that clearing vegetation may actually increase fire-prone drought conditions. "Firewise" clearing (taxpayer-funded vegetation removal initiatives) is rapidly expanding to affect millions of acres. The seriousness of this issue becomes clear when you look at some rough calculations.

To examine how a simple rule like the "100 foot clear zone" can affect a region, let's consider a hypothetical region (size, population, and policies similar to Ventura County): San Combustible County (SCC), California, has 1,180,800 acres (about 1,845 square miles) and is home to 753,200 people in 243,234 households.

Every year, the scc fire department requires 15,000 households to clear vegetation 100 feet around each residence. The average house is 2,500 square feet, and the clear zone is 60,000 square feet. It is also required that 10 feet on either side of a driveway be cleared. The average rural scc driveway is 1/4 mile. Cleared edges are 26,400 square feet. The total clearance is 86,400 square feet, or 2 acres (not including house footprint or driveway surface).

The total for 15,000 houses: 29,752 acres, or 46.49 square miles, cleared annually, increasing with new development. (At this rate, the state of California would clear 2.5 million extra acres per year.) The annual fire clearance is 2.5 percent of the county. But—here's the rub—scc, like many parts of the United States, has only 10 to 15 percent not already cleared, of which fire clearance affects 25 percent.

In scc, an acre of forest/scrub produces 2.67 tons dry weight of vegetation per year (the green weight is at least double that). San Combustible regulations (like those in many real counties) define clearing as removal of 50 to 80 percent of vegetation. On nearly 30,000 acres cleared for fire "prevention," these percentages remove 15 to 24,000 tons. (scc's dump charges only \$5 per ton, totaling nearly \$100,000. Even if chipped, the greenwaste covers an acre and is 5 feet deep.)

scc calculates stormwater using the familiar Runoff Coefficient "C" based on surface cover. For cleared cultivated land, C is about .2 higher (meaning 20 percent more runoff) than the average for a mix of woods and grassland.

Like much of nonmountainous southern California, San Combustible County gets 10 to 15 inches of precipitation in a normal year. Usually about half of that evaporates. An increase in runoff of 20 percent means the loss of about 3 inches of that precipitation. Removing greenwaste from soil decreases the soil's water retention, compounding runoff losses.

Removing canopy decreases shade and creates heat islands that are 3 to 8 degrees (Fahrenheit) hotter than surroundings. Even a one-degree rise dries soil and fuels more quickly and can change fire behavior significantly.

Although actual figures would depend on detailed soil and climate measurements, San Combustible County soils normally have 7 or 8 inches of water available annually after evaporative loss. Clearing can be guesstimated to reduce that by 3 or 4 inches. The decrease is more than 50 percent of normal availability and 25 percent of total annual precipitation. These effects spread well beyond the 30,000 acres cleared each year and obviously involve significant trends toward drought.

Ordinary clearing—for agriculture, timbering, and urbanization—is known to cause the kinds of soil and runoff problems discussed here, leading to drought, spreading deserts, and global warming. Clearing for fire prevention is no different. The policy is literally backfiring, worsening regional conditions that favor increasingly intense fires in exchange for "defensible space" that offers little reliable protection.

Alternatives

For landscape design & management

- Acknowledge the climate-changing effects of human activity like clearing, and factor those effects back into models, predictions, and policies. Likewise, think critically about blaming nature alone for fires.
- Design parks as whole-community firebreaks, rather than clearing separately around every house. Incorporate wetlands, even constructed ones, in these zones.
- Where clearing and thinning remain necessary, ensure that organic matter returns to the soil (via controlled burning, composting, or browsing of small woody materials). This argues strongly against industrial logging as "fire prevention" and should seriously limit even local small-diameter-wood extraction without nutrient replacement.
- Restore whole forests to decrease drought conditions, along with reforestation aimed against global warming. Note that this would require a different approach than the Bush administration's "Healthy Forests" initiative.
- Consider community-based controlled burns—an intriguing idea from Bob Younger and Jon Powell. Divide urban—wildland zones into fire management associations, with a scheduled patchwork of controlled burns. Residents, under fire department supervision, could provide a workforce for intensive management of low-intensity preventive fires.

For construction

- Provide exterior sprinkler systems, triggered by advancing flames or flying firebrands, functional during power outages, with heat-resistant hoses/pipes. Sprinklers wet surfaces to slow ignition, but they cannot put out a roaring fire ("You're lucky," says one firefighter, "to put out a structure fire with 30,000 gallons").
- Require resistant exterior materials and design details, which are more effective and less environmentally costly than widespread clearing.

For zoning and policy

- Recognize the role of vehicles as fire starters. According to California Department of Forestry statistics from 1996 to 2000, nearly 41 percent of all wildfires were caused by vehicles and machinery. Require developments in fire-prone areas to rely on shared transportation and to design transit systems with evacuation in mind.
- Forbid development without fail-safe access routes. Most deaths in wildfires occur when firefighters and/or residents are trapped with only one way in or out. Cul-de-sac systems should not be permitted in fire-prone areas.
- Reevaluate zoning and insurance. Even well-informed people choose to risk living in beautiful, dangerous places. This is unlikely to change. Instead, laws should require personal responsibility in return for privileges. Hold developers as well as individuals to construction standards and insurance as in earthquake and flood zones.

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U.S. Department of the Interior
U.S. Geological Survey
Letter to the Editor

November 2003

Jon E. Keeley

Jon Keeley is a research scientist with the U.S. Geological Survey and adjunct professor at the University of California, Los Angeles, and has 30 years research experience on the fire ecology of southern California shrublands.

Dr. Minnich's recent article ("Fire is inevitable but we can mitigate the damage," San Diego Union-Tribune, Nov. 2, 2003), and an earlier piece ("Taming wildfire: Lessons learned from south of the border," San Diego Union-Tribune, Sept 1, 2002), places the blame for catastrophic wildfires on fire suppression activities. His suggestion that fire suppression policy is broken is based on an unproven hypothesis that is not supported by scientific evidence.

Twenty years ago Minnich observed that fire size differed between north and south of the U.S./Mexico border and hypothesized that this was due to differences in fire suppression policy. His hypothesis is that fire suppression activities during the 20th century have effectively excluded fire from much of the southern California landscape and allowed an unnatural accumulation of shrubland fuels. Dr. Minnich has never tested his hypothesis, yet he freely speaks about it as though it were a proven fact, and he does this despite knowing that four separate scientific studies have tested his idea and failed to support it. In 1998, Drs. Sue Conard and David Weise of the U.S. Forest Service, Riverside Fire Lab, examined 20th century fire records for the San Bernardino Mountains and found no evidence that fire suppression activities had excluded fires from that landscape. In the following year, I and my colleague C. J. Fotheringham of the University of California, Los Angeles extended this analysis to all of the counties from the border to Monterey and found that during the 20th century, fire suppression activities had not excluded fires and that large wildfires were not the result of unnaturally old shrublands with excessive fuels. More recently, Dr. Rick Shoenberg from the University of California and Dr. Max Moritz from Cal Poly, San Luis Obispo have independently examined the extent to which fires in southern California are dependent on unnatural fuel accumulations and found no support for this idea.

Minnich's suggestion that large shrubland wildfires are a modern artifact of fire suppression policy is not upheld by historical documents. Indeed, a fire in Orange County in 1889 was twice the size of this past week's Cedar Fire, and there are other such reports in the historical records of the 19th century. Throughout the 20th century the southern California landscape has experienced repeated assaults from wildfires despite vigorous fire suppression activities. Very few small pockets of chaparral shrublands have had fires excluded from them for any extended length of time. Today the southern California landscape burns more frequently than it did prior to Euro-American colonization. In this respect, southern California stands as an anomaly relative to the rest of the western U.S. where fire suppression has effectively excluded fire for much of the past century.

Two factors account for the inability of fire suppression forces to eliminate fire from this landscape. The **primary** culprit is the fierce Santa Ana winds that occur every autumn and create the worst fire conditions observed anywhere in the world. The second is the growing human population that ignites nearly all of our wildfires. During the 20th century there has been a parallel increase in population and fires. When humans, by accident or intent, ignite a fire during a Santa Ana wind condition, the result is a fire that will race across the landscape burning everything in its path.

Currently, there is much discussion about using fuel manipulations to reduce fire hazard. It is important to realize that these discussions pertain to forests in the Western U.S. and do not apply to California shrublands. There is substantial evidence that prior fuel manipulations such as mechanical thinning and prescription burning are not effective at stopping the onslaught of Santa Ana wind driven fires. Dr. Minnich's proposal that we create a landscape mosaic of different ages of chaparral shrublands not only will not act as a barrier to Santa Ana wind driven fires, but it is unfeasible due to the cost, and the limited burning opportunities resulting from air quality restrictions. Fire suppression policy is not broken, it is mandatory in the densely populated landscape of southern California. In addition, historical evidence shows that it is playing an important role in reducing an unnaturally high level of burning resulting from human recklessness. Without vigorous fire suppression activities our landscape would burn at such a high rate that much of the natural shrublands would be more rapidly converted to alien

weed-dominated grasslands than is currently happening.

A more strategic approach is required, one that moves away from measuring fire hazard reduction success in terms of "acres treated," as is currently used, to one that places the focus on fuel treatments at the urban/wildland interface. Strategic placement in this zone is necessary because fuel manipulations will not act as barriers to Santa Ana wind-driven fires, but they may allow better access to fire suppression forces attempting to save property and lives. Equally important as fuel reduction at this interface is the need for fire management agencies to better express the fact that there are limitations to their ability to prevent large wildfires, particularly when ignited during Santa Ana winds.

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August 11, 2006

William Stocks, Project Manager
San Diego County DPLU
William.Stocks@sdcounty.ca.gov

Gary Pryor, Director
San Diego County DPLU
Gary.Pryor@sdcounty.ca.gov

Deer Springs Fire Protection District Board
admin@dsfd.sdcxmail.com

Dear Mr. Stocks, Mr. Pryor,
and Deer Springs Fire District Protection Board:

The American Lung Association of California, San Diego and Imperial Counties' Division, has served the community since 1946. Our mission is to prevent lung disease and to promote lung health. Toward that end, we provide programs to reduce risk factors that contribute to lung disease such as cigarette smoking, tuberculosis and unhealthful air quality.

It has come to our attention that a proposal is being considered for a development, called the Stonegate Merriam Mountains Development, that could have negative consequences for residents with lung disease. In reviewing information on the proposed project, we learned that through the development homes will be built in an area of the county that is considered a "High Fire Hazard Severity Zone". To address this, planning is underway to have residents respond to a fire in their neighborhood and protect their lives and health by using Shelter-in-Place procedures.

Many San Diegan's have lung disease. Over 166,491 adults and 64,166 children have asthma and approximately 89,461 residents suffer from chronic bronchitis. It is very likely that some residents living in the Stonegate Merriam Mountain Development will have lung disease and their health could be greatly compromised by following Shelter-in-Place procedures instead of actual evacuation. It is our understanding that due to the location of the project, evacuation is not an option.

Therefore, we ask you to consider the following concerns for those with lung disease and other chronic health conditions that will live in the development and be protected during a fire by Shelter-in-Place methods.

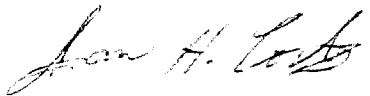
American Lung Association Letter
8/11/06
Page 2

1. People with lung disease are very sensitive to breathing lung irritants such as smoke and gases. It is likely that heat generated from a wildfire could break windows causing smoke and gas to enter their home and place residents in respiratory distress.
2. People with lung disease often cannot wear respiratory masks to keep contaminants from entering their lungs because the resistance caused by a respirator makes breathing too difficult. Their lung capacity and airways are already compromised.
3. Heat and wildfire conditions could cause the oxygen equipment that may be present in the home of someone with lung disease to explode leading to devastating consequences for those remaining inside the home due to Shelter-in-Place procedures.
4. The amount of heat and smoke generated by a wildfire could easily overpower residents being inadequately protected by Shelter-in-Place and lead to a permanent loss of life.
5. Many firefighters retire early because of their experience in breathing unhealthful levels of smoke during firefighting activities. Shelter-in-Place sets residents up to receive an unhealthful dose of smoke and other toxic chemicals produced from a fire which most likely will result in permanent lung damage.

From a public health perspective it does not make sense to propose the use of Shelter-in-Place for the Stonegate Merriam Mountains Development. The American Lung Association asked you to consider our concerns for those with lung disease, children and seniors that would reside in the development and choose another option.

Should you have any questions I can be reached at 619-683-8646.

Sincerely,



Jan H. Cortez, M.P.H.
Vice President, Research and Environmental Health

cc: Debbie Kelley

Peter A. Orner, M.D., Ph.D.
INTERNAL MEDICINE & BIOMECHANICS OF INJURY

Diplomate, American Board of Internal Medicine
Member, American College of Physicians
Member, American Society of Mechanical Engineers
Member, Society of Automotive Engineers
Clinical Professor of Medicine, University of California at San Diego
Former Professor of Mechanical Engineering, Case Western Reserve University

Shelter-in-Place: Health and Safety Issues I

presented to the Deer Springs Fire Protection District at meeting on 14 June 2006

My name is Peter Orner. I have a PhD in mechanical engineering, and was a Professor of Mechanical Engineering at Case Western Reserve University. I have an MD and am board certified in Internal Medicine. I am a full Clinical Professor on the voluntary teaching faculty in the Department of Medicine at UCSD. I am a consultant and expert in the Biomechanics of Injury. My wife Rosalind and I live in Hidden Meadows. I am here today as a concerned physician, engineer, citizen, and resident.

After considerable study, I have several serious engineering and medical concerns about the implementation of wildfire Shelter-In-Place ("fire-SIP") in the Merriam Mountain project. I would like to succinctly share three of these.

First, the notion of "fire-SIP" is apparently an outgrowth of radiation-SIP, chemical-SIP, and biological-SIP. Any SIP, but fire-SIP in particular, requires physical and emotional preparation, strength, and stamina. Current engineering and medical understanding does not support fire-SIP as the design-method-of-choice for a general, i.e., all ages and states of health, population interfacing with a fuel-rich wildland area. Early, at least partial, evacuation is required. I could find no field validation of large scale fire-SIP, i.e., a medical, engineering, and forensic study of injury and death after a real-world-wildfire burned through a large community with all residents remaining in their homes. Thus, it appears that large scale fire-SIP for a general population living in a fuel-rich area has not been validated theoretically or "under fire."

Second, there is accumulating evidence of a wide variety of personal injury due to wildfire. In particular, a recent Australian study published in the *Canadian Journal of Psychiatry* showed that over 20% of children and adolescents in a suburb of Canberra hit by a wildfire on January 18, 2003 reported symptoms of moderate to severe PTSD. The frequency of PTSD increased for those less than 50 m from the flames. Quoting the author, **"Clearly, proximity and perceived threat are factors that affect stress and emotional well being in child and adolescent wildfire victims."** Being confined by fire-SIP into a house around, over, and possibly through which a wildfire roars, would be expected to cause even more PTSD in children and adolescents.

Shelter-in-Place - Health and Safety Issues I

Peter A. Orner, M.D., Ph.D.

Third, the "COMMUNITY WILDFIRE PROTECTION PLAN" by the Deer Springs Fire Safe Council estimates that 30% of their population is aged 65 or older and 20% are 14 or younger. It is reasonable to assume that the Merriam Mountain population would reflect these demographics, resulting in about 2,500-3,000 potential patients 65 years or older. It is well-known that this medical population has a greater incidence of cardiovascular disease, kidney disease, lung disease, and diabetes, just to name a few. The older patient, or indeed any patient with these chronic diseases has reduced tolerance to stress. Such stress includes inhalation of noxious gases, vapors, and smoke; increased ambient temperature, psychological stress, and so on. **Heart attacks, diabetic emergencies, pulmonary crises, and so on, which are provoked by such factors, require immediate professional attention, especially in the elderly.** Speaking about wildfire, FEMA states "Anyone with medical or physical limitations and the young and the elderly should be evacuated immediately." For this unfortunate sub-population, SIP would probably mean "Suffer-In-Place," and for some, "Succumb-In-Place." Early evacuation is necessary and sufficient to prevent this.

In conclusion, please be advised that large scale fire-SIP is an untested, and with reasonable medical certainty, dangerous design methodology for the general population of a community which interfaces with fuel-rich wildland, and which is still in the planning stage.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. Orner, MD, PhD". The signature is stylized with a large, looped initial "P" and a cursive "Orner".

Peter A. Orner, M.D., Ph.D.
Report/SIP-health&safety I.wpd

Peter A. Orner, M.D., Ph.D.

INTERNAL MEDICINE & BIOMECHANICS OF INJURY

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Clinical Professor of Medicine, University of California at San Diego

Former Professor of Mechanical Engineering, Case Western Reserve University

Shelter-in-Place: Health and Safety Issues II

to be presented to the Deer Springs Fire Protection District at meeting on 12 July 2006

Federal code 49 CFR 517.208 "Occupant crash protection," commonly known as FMVSS 208 (Federal Motor Vehicle Safety Standard) governs the safety of the vehicles we drive. Actual vehicles containing human surrogates, e.g., animals, human cadavers, or instrumented dummies, have been crashed into barriers, rolled over, etc. to determine by test the forces which would be experienced by occupants in real world motor vehicle accidents. The test protocols are highly standardized, and the test results must be within medically established "corridors" for the vehicle to be declared safe. Since 1971, every passenger vehicle has had to comply with the regularly updated FMVSS 208 standard in order to be sold in the United States. Because of FMVSS 208, you can reasonably expect that your passenger vehicle will truly be your "shelter-in-place" (SIP) in real-world collisions. In other words, after decades of research, the automotive version of SIP has been logically and unconditionally deployed to prevent vehicular injury and death.

There are no standards similar to FMVSS 208 for the occupants of a house in the wildland-urban-interface (WUI). Even if a house is "firewise," that does not guarantee that it will not burn, much less keep smoke and toxic gases out, and prevent the ambient temperature from dangerously rising. There has been no "crash testing" of complete houses containing instrumented human surrogates in real wildfires. There has been no human and animal testing to establish thermal, pulmonary, cardiac, metabolic, psychological, or human energy expenditure "corridors" for the occupants within. There has been no testing of elderly or debilitated humans to establish sensory and psychological stress "corridors" to ensure that these occupants within will not suffer psychological or medical injury. It is known that children and adolescents are vulnerable to serious psychological damage from merely being in the vicinity of a wildfire. It is an understatement to say that SIP needs further research. "Shelter-in-place" has a catchy ring, but is nowhere close to an unconditional standard for deployment to prevent WUI wildfire injury and death.

Shelter-in-Place - Health and Safety Issues II

Peter A. Orner, M.D., Ph.D.

Statistically and logically, SIP is most likely preferable to attempting to outrun a wildfire raging nearby, even if the "shelter" subsequently burns down. It is clearly better to roll the dice rather than face certain death. Anecdotal reports of individual WUI fires, from Australia for example, indicate that the vast majority of people who died in WUI fires died (futilely) attempting to flee the flames. However, it is apparently not known how many successfully fled, i.e., the percentage of non-early evacuees who survived. Whatever the case, it appears obvious that early evacuation to some "safe zone" of at least the subpopulation at risk (children, elderly, chronically ill, etc.) is preferable to late evacuation. SIP in firewise houses may be, for some able-bodied portion of the population, preferable to late evacuation. However, SIP is definitely inferior to early evacuation to some "safe zone" for the subpopulation at risk. Saying otherwise does not change that fact.

Unconditional use of an unproven methodology such as SIP would be called malpractice if ordered by a physician and the SIP occupant was injured or died. It would most certainly lead to liability and litigation. Please be advised that this is exactly what the Deer Springs Fire Protection District (DSFPD) and the Stonegate developers are doing. The human danger is real and evident. DSFPD, its Board, and the developers bear the liability.

Respectfully submitted



Peter A. Orner, M.D., Ph.D.
Report//SIP-health&safety II.wpd

IRA H. BUCHALTER, M.D.
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June 26, 2006

William Stocks
County of San Diego
Department of Planning and Land Use
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RE: NNP-Stonegate/Merriam Mountains Development Fire Protection Plan

Dear Mr. Stocks:

My name is Ira H. Buchalter, M.D. I am a Board Certified Otolaryngologist licensed to practice in the state of California. I am also a Chemical Engineer with two years of postgraduate study in the field of Biochemical Engineering.

In order to satisfy Article 86 of the California Uniform Fire Code, Stonegate Development LLC has had to submit a Fire Protection Plan (FPP). I have read the FPP for Stonegate-Merriam Mountains (draft date 06/06/06 - see attachment).

The FPP outlines two fire scenarios. "Fire Condition One" is described as a fire starting within Merriam Mountain. It admits that the fire would be extreme due to a fuel load of unburned vegetation built up for the past 100 years¹. It would also be fast-moving (CDF scenarios suggest that a fire starting at the base of the mountain will reach the crest within 10-15 minutes)², making evacuation of the 10,000+ residents impossible. A report prepared by the Deer Springs Fire Safe Council emphasizes the potential for a fire that would be "highly destructive and virtually impossible to control."³ The FPP requires that people remain in their homes, not panic, and follow their Emergency Fire Safety Procedures Manual.

The smoke that is produced by fire is the major reason that people die⁴. Smoke contains carbon monoxide and hydrogen cyanide which will cause asphyxiation by both physical and metabolic pathways. It will also produce noxious gases including organic compounds such as phosgene and aldehydes. Smoke also destroys lung surfactant which can cause laryngeal edema, bronchospasm and ciliary dysfunction, all of which can lead to death. The partial pressure of oxygen can be reduced. If it falls below 50 mm Hg, people will lose consciousness and die.

¹ Merriam Mountains Project Environmental Impact Report, 3.4.2

² Article in the San Diego Union-Tribune, "Preparing for the Worst," by Michael Burge; March 28, 2004

³ Community Wildfire Protection Plan, Deer Springs Fire Protection District; Dec. 2005; page 3 (4.1 Fuels)

⁴ "Smoke Inhalation Injury," T.L.Lee-Chiong Jr. M.D., Postgraduate Medicine, Vol. 105, No. 2; Feb. 1999

Mr. Williams Stocks

-2-

June 26, 2006

All of those individuals who are physically compromised by airway and pulmonary problems (including asthma and emphysema among others) will easily succumb. Those with anemia, cardiac disease and diabetes may also die. The infirm, the elderly and children will be at great risk. There is no evidence that being in one's home will prevent smoke inhalation injury. There will be many people who will not have time to get to their homes. They will be trapped outside or on the roads and will probably be asphyxiated.

Review of the literature does not cite one incident of a planned community in the United States using the "shelter-in-place" as a primary form of fire protection that has been tested during a significant *actual* wildland-urban interface fire. Stonegate's Fire Protection Plan amounts to a medical experiment on 10,000+ people. I am currently in the process of contacting various medical specialties and medical organizations regarding this proposal, as I have only recently gained access to this FPP. I cannot imagine that this plan could be entertained as a realistic option given the medical consequences to the people involved in case of fire.

I would like an immediate reply. The magnitude, experimental, and ill-conceived nature of this Fire Protection Plan will make it mandatory to involve the entire medical community before any consideration can be given to its approval. Organizations such as the AMA, the American Lung Association, the various medical subspecialty groups as well as the Federal agencies involved in health and safety issues must be notified.

Very truly yours,

Ira H. Buchalter, M.D.

Encl.

cc: Paul Dawson, DPLU
Nicholas Martinez, DPLU
Gary Pryor, DPLU

IRA H. BUCHALTER, M.D., B.CH.E.

Escondido CA 92026

760.751.5353

entihb@aol.com

July 5, 2006

RE: Risks to health and safety posed by the fire dangers of the Stonegate/Merriam Mountains development proposal

Dear Mr. Stocks:

Thank you for your response.

I have confirmed my assumptions that infants, young children, the elderly and people who are medically compromised would be at grave risk during a Merriam Mountain fire. The Australian experience with "shelter-in-place" (SIP) mandates evacuation for these groups when SIP is attempted. Fire Marshal Cliff Hunter (from the Rancho Santa Fe SIP program) in his community presentation delivered on June 30, 2006 stated that smoke inhalation could not be avoided when SIP is used. He also concurred that early evacuation of all at-risk groups is necessary and that the chance to evacuate must be provided (see excerpts of Marshal Hunter's remarks; entire presentation videotaped by the community).

It is statistically certain that some of the 2,700 homes built with "firewise" construction will burn (an open or shattered window, radiant heat causing drapes to burn in an unoccupied house, etc). This can convert a wildland fire to an urban fire engulfing occupied attached, semi-attached condos and 3-story apartments. On lots as small as 45 feet in width, the unattached homes that will burn will cause neighboring houses to burn. There will be dense smoke and it will be taking place in the midst of an aggressive wildland fire, with limited and blocked access and egress. Given the extreme speed of the fire as predicted by CDF, there will also be clogged, smoke-filled roads, especially during a worst-case scenario of a high traffic period. The morbidity and mortality associated with such a situation will be extremely high.

The answer to the extreme fire danger is timely evacuation. Stonegate's Fire Protection Plan (see attached), however, states that evacuation is not possible in a fire starting within Merriam Mountain, given the predicted speed and intensity of the fire which will be fueled by the dense, 100-year-old vegetation and tinder within the protected biological space that surrounds and adjoins the project.

The problem in this particular instance is that land use needs, conservation requirements, and health and fire-safety issues collide. Only two of the above three can be satisfied. The health and fire safety issues are of paramount importance and cannot be ignored.

I would be most interested in hearing from you how the safety of the residents of Merriam Mountain can be assured in a "Fire Condition One" (described on page 4 of Stonegate's attached "Conceptual Wildfire Life Safety & Sheltering Plan"), given the predicted intensity and speed of the fire and the density and location of the population.

The information I have given you is now being widely disseminated in order that responsibility for inappropriate authorization of an extremely dangerous development proposal will be well-publicized.

Very truly yours,

Ira H. Buchalter, M.D.

Attachments

- (1) Remarks by Rancho Santa Fe Fire Marshal Cliff Hunter (Community Presentation on June 30, 2006)
- (2) "Conceptual Wildfire Life Safety & Sheltering Plan" (draft dated 06/06/06) prepared for Stonegate's Merriam Mountains Development, developed by The Kelly Day Group, Inc.

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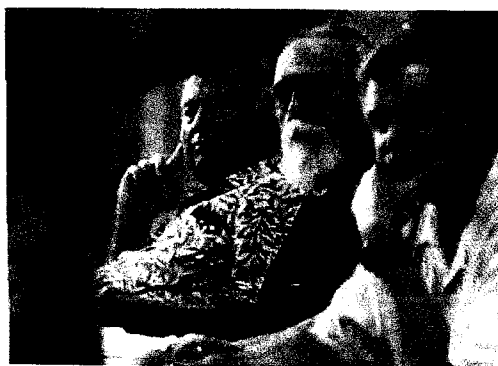
Tuesday, August 29, 2006

Last modified Wednesday, July 12, 2006 10:59 PM PDT

Residents protest large housing project planned north of San Marcos

By: DAVID GARRICK - Staff Writer

SAN MARCOS ---- More than 60 angry residents from rural communities north of San Marcos and Escondido came together Wednesday night to fight a proposed 2,700-home development that they consider a massive fire hazard.



Members of the Deer Springs Fire Protection Board, from left, Jean Slaughter, Tom Bumgardner and Dave Herbert listen to a resident voice her concerns Wednesday during a meeting at the Deer Springs Fire House.

BILL WECHTER Staff Photographer

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The residents crammed into a small fire station near the intersection of Gopher Canyon Road and Interstate 15 to tell fire officials that the 400-acre Stonegate Merriam Mountain development would put more than 10,000 lives at risk.

Using statistics and detailed descriptions of wildfire tendencies from the Internet, the residents argued that the narrow roads leading out of the development would turn a large fire into a death sentence for the 8,000 people expected to live in Merriam Mountain and about 2,000 people in nearby Twin Oaks Valley, Hidden Meadows and Champagne Village.

They were particularly incensed at the "shelter-in-place" element of the developer's fire protection plan that calls for residents to stay in their fire-resistant homes during a large blaze rather than crowding the overburdened routes out of the project.

"This is a medical experiment on the 10,000 people who would be living in the area," Hidden Meadows resident Ira Buchalter told the board of the Deer Springs Fire Protection District. "Tell the developer you will not be

responsible for a medical experiment."

Rosalind Orner, another Hidden Meadows resident, said that shelter in place has never been tested in actual wildfire conditions, making it an entirely experimental concept.

"It is an understatement to say that shelter in place needs more research," said Orner. "Using shelter in place would be called malpractice if a doctor did it."

Tom Bumgardner, vice president of the Deer Springs fire board, said that the board has not yet endorsed the fire protection plan devised by the developer, Laguna Beach-based NNP-Stonegate Merriam.

"We have never said that we are going to do this shelter-in-place thing," said Bumgardner, who ran Wednesday's meeting in the absence of board President Frank Asaro. "We just heard about it recently."

Bumgardner tried to assure the residents, who were split about evenly between Hidden Meadows, Twin Oaks Valley and Champagne Village, that they will not be ignored.

"We are not going to do anything without your consent," he said, reminding them that Wednesday's meeting was only for information and that no action would be taken on the project. "We're glad you came here to tell us your concerns."

Bumgardner also stressed to the residents that the county Board of Supervisors will make most of the key decisions about the proposed project, which is west of Interstate 15 and north of San Marcos and Twin Oaks Valley.

But the residents made it clear that they also plan to lobby county officials.

"The county Planning Department, the fire district board and the county Board of Supervisors will be participants in a human experiment that will lead to countless injuries and deaths if they approve this project," said Madelyn Buchalter, who spoke just after her husband.

Some residents also objected to the size of the project.

"They may have a wonderful project, but not for here," said Joan Van Ingen, a Champagne Village resident for nearly 25 years. "Let them take their project somewhere that has roads and transportation."

Laurel Nicholson, who said she is running for the state's 66th District Assembly seat in November, said the project is mostly about greed.

"This developer is going after the money, and not thinking about the people," said Nicholson.

Carol Shuttleworth, president of the Twin Oaks Valley Equestrian Association, said the 600 to 1,000 horses in the area would most likely perish in a fire because there would be no way out.

Joe Perring, project manager for the developer, attended the meeting but chose not to speak.

During an interview outside the fire station, Perring said that such resident protests are unpleasant, but not totally unexpected because California has complex approval procedures for developments.

Perring said shelter in place is not something the developer is excited about, but it makes sense if residents are left with no other choice when a rural area becomes engulfed in flames.

"The roadway system we are planning will provide ways for people to leave the development, but what if people are trapped for whatever reason?" said Perring.

He also said that shelter in place is a strategy that virtually all rural communities, including those adjacent to Merriam Mountain, have adopted.

Contact staff writer David Garrick at (760) 761-4410 or dgarrick@nctimes.com.

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Last modified Monday, July 10, 2006 12:42 AM PDT

**Twin Oaks residents
prepare to battle
development**

**By: PATRICK WRIGHT -
Staff Writer**

**SAN MARCOS — Some
residents of Twin Oaks
Valley don't want a
proposed development
making their community
any hotter in the future.**



Megan Moorman, 13 works on her horse Native Dasher during the picnic and competitions at the equestrian facilities at Walnut Grove Park Sunday.

WALDO NILO Staff Photographer

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They came out to Walnut Grove Park on Sunday to say a proposed 2,700-home, 400-acre development in the Merriam Mountains would be a massive fire hazard that could threaten their homes and even neighboring towns.

Developers of the project have already included fire-resistant materials in the building plan and have said they would pay as much as \$2 million to improve infrastructure in the area that would reduce fire risks.

But that isn't enough for resident Madelyn Buchalter.

"We really foresee a major catastrophe," said Buchalter, 56. "If a fire were to break out on that mountain, depending on the wind, it could progress to San Marcos and Vista."

More than 40 community members came to discuss the Stonegate Development's Merriam Mountain project and other local issues during Sunday's meeting of the Twin Oaks Valley Equestrian Association. The group met to talk about equestrian issues as well as community concerns.

The major topic of conversation was Merriam Mountain and how the group could help the fight to keep it from being built. Stonegate Development wants enough housing units for 8,000 people with prices ranging from \$400,000 to more than \$1 million on that site, according to developers.

http://www.nctimes.com/articles/2006/07/10/news/inland/15_01_267_9_06.prt

8/29/2006

But that isn't enough for resident Madelyn Buchalter.

"We really foresee a major catastrophe," said Buchalter, 56. "If a fire were to break out on that mountain, depending on the wind, it could progress to San Marcos and Vista."

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More than 40 community members came to discuss the Stonegate Development's Merriam Mountain project and other local issues during Sunday's meeting of the Twin Oaks Valley Equestrian Association. The group met to talk about equestrian issues as well as community concerns.

The major topic of conversation was Merriam Mountain and how the group could help the fight to keep it from being built. Stonegate Development wants enough housing units for 8,000 people with prices ranging from \$400,000 to more than \$1 million on that site, according to developers.

Residents have objected to several aspects of the proposed development, including increased traffic if the developer pays to widen Deer Springs Road from two lanes to four.

But on Sunday they said their main concern was how people would evacuate the development during a fire.

Stonegate's development plan calls for a 1,500-acre field next to the housing development. Residents said the field would consist of dry vegetation and tinder that could burn from the bottom of a hill to the top in 10 to 15 minutes. They said the California Department of Forestry predicted such a fire would be "intense, highly destructive and virtually impossible to control."

Carol Shuttleworth, president of the Twin Oaks Valley Equestrian

Note: Comments reflect the views of readers and not necessarily those of the North County Times or its staff.

Lake San Marcos resident wrote on July 10, 2006 7:35 AM:"It would be a huge loss to all of us to lose the rural character of the outlying communities. The Merriam Mountain project would be a disaster, for many reasons. And this "shelter in place" fire strategy? Ridiculous! How can they propose that with a straight face? Once again, residents have to spend money, aggravation and time to fight their own elected officials to defeat a project no one wants. Thankfully, the Twin Oaks Valley Property Association is organized and affluent. Please keep in the news and let us know how we can help. Another thing: Is anyone representing the developer who used to be on the planning commission or otherwise associated with any County Supervisor? Just asking...."

No way wrote on July 10, 2006 8:15 AM:"This idea is ridiculous. How greedy do these builders have to get? Stick as many people as you can get into these developments and not worry about the dangers that lurk. This sounds like a major problem ready to happen. Stand firm Twin Oaks Valley Residents and I know a lot of people are on your side."

SM Native wrote on July 10, 2006 9:30 AM:"I have been a resident of San Marcos for 50 years, and went to school here too. It is so nice driving thru the Twin Oaks area and looking at the nice homes and horse areas to ride. So much of the cities are using all the natural horse riding areas for homes. Don't you think we have enough houses????? It would be nice if Twin Oaks/Deer Springs road is made wider to 4 lanes first. That should be the first thing they should do, just for fires and just traffic problems. The city needs to be more concerned about the Illegal's, and all the Mexican bull s- - -. I am afraid to have my daughter walk down Mission Avenue and to the post office, (due to Gang's). Come on San Marcos think with your brain and not with your pocketbook before you make any decisions. San Marcos needs an area like Poway that is a bit more country, not city."

Unbelievable wrote on July 10, 2006 9:45 AM:"Shelter in Place??? I was at the meeting yesterday and when I heard that is what the developers are proposing as an alternative to evacuating when a wildfire occurs I was astounded at the stupidity of this plan. Elderly, children, those with asthma and breathing problems are going to stay in their house (breathing deadly smoke and fumes, not to mention the HEAT), while a wildfire rages out of control at their front doorstep? I don't think that's a good plan, do you? Sure, maybe the houses won't burn, but people WILL die. Besides, I don't know about you, but if there was a wildfire near my house I would evacuate, but oh, wait, theres only ONE road out of the development which is clogged with 8000 other panicked residents trying to get out. What a tragedy that will be. "

Welcome to our world, wrote on July 10, 2006 10:25 AM:"We who have lived in the Elfin Forest area for many years can attest to what you Twin Oaks folks are about to go through. San Elijo Hills has been nothing short of a nightmare! From traffic, crime, noise, dirt, pollution, trash, snotty Styrofoam people, who bought a Styrofoam house, who now think they live in Beverly Hills for crying out loud? Gag! Now you TOV people have it worse, you have the daunting task of convincing Bill Horn to put the kibosh on the project. Not. I have two words for you, MOVE NOW!"

one place left.... wrote on July 10, 2006 1:21 PM:"is the Merriams... take a look at google maps....satellite view...can't we have at least one decent sized untouched landscape to enjoy?"

Suzie Schaeffer wrote on July 10, 2006 4:32 PM:"Oh God—another Caribad—and the builders do not care—I know I work for one!! Twin Oaks is one of the only semi rural places left in overcrowded, overpriced San Diego County! ENOUGH!!!!!"

WAYNE wrote on July 10, 2006 4:40 PM:"How much money have these developers donated to the current city council members and planning commission members and their future re-election campaigns? It would be very interesting to see full disclosure of those numbers. Real estate developers are unwanted pariahs who have consistently bribed their way to getting approval. The city of San Marcos

needs to wake up. "

Jerry wrote on July 10, 2006 7:28 PM:"What a horrible, hi-density development. This means lots of bucks for the developers and City and a lower quality of life for the citizens. "

Andy wrote on July 10, 2006 8:13 PM:"If people have to stay in their homes during a fire and cannot evacuate, it becomes an issue of who can survive the smoke and heat. Certainly not infants, asthmatics, and those with emphysema. What happens to all those with heart conditions? Heart attacks will occur. This is an insane proposal. "

REGIONAL PROBLEM wrote on July 10, 2006 8:20 PM:"This horrible Stonegate problem will effect the entire region, not just Twin Oaks Valley. Groups are gathering, just like this one, to fight this disaster project. Good for you Twin Oaks, keep up the fight! Water shortage is another problem, why are we all conserving??? So that developers can build more houses in our desert land? Greed is right. How much more damage do they have to do before they finally move on and rape land in another pristine area? No ethics whatsoever. Elfin Forest writer above is absolutely right. That San Elijo Hills project completely destroyed the beautiful rural area that should have remained rural, with low density housing per county zoning. Stonegate WILL destroy Twin Oaks, add more traffic, etc. It too should abide by county zoning laws. I hope the people win this one. The bought politicians just are NOT going to help us. Good luck to all and thanks for the help."

Marcia wrote on July 10, 2006 8:33 PM:"If fire breaks out on Merriam Mountain and thousands of people die because they cannot evacuate, the people who approved this dangerous development (Fire District Board, County Planners and County Board of Supervisors) will all be responsible. Jail time??"

Ryan Grothe wrote on July 10, 2006 8:53 PM:"Ths is another typical case of greed in California. This is the main problem with this state. Developers want to bulldoze all of the equestrian areas in the state to build trackhomes. Why? The answer is simple. A bunch of greedy developers and city's just want money. Plus why would you want to build homes now when the market is slowing down and more people are leaving california. The prices for these homes are also a joke. It is just pathetic to see all these developers and citys doing this to these people that love their animals. If this greed continues there will be no more places for these people to keep their animals. The El Cajon speedway went away for the same reason. Greedy developers want to build a bunch of office buildings and airport hangers. So Now we have no more places to race. Lets come together and support the woderful people that take care of their horses. "

Unbelievable wrote on July 10, 2006 11:32 PM:"Ryan, as a horse owner I hear you and I weep for every pristine acre that has been sacrificed for "Mc Mansions", but sadly this "project" will not only impact horse owners, but everyone who lives, works and drives in the Twin Oaks Valley area. You don't have to be a horse lover/owner to see the danger and stupidity of adding 8000 residents to an area that doesn't have (and won't have) the infrastructure in place for mass evacuations in the face of a brushfire. The fire evacuation plan is:"Stay in place (and roast yourself, instead). We'll build fire resistant homes so you don't have to evacuate", says the builder. I think it was Barnum and Bailey who said it best...If this project goes thru there's an awful lot of suckers in City Hall. I got a bridge in Brooklyn for sale, wanna buy it? Wow. "

Unbelievable wrote on July 11, 2006 9:59 AM:"Ryan, as a horse owner I hear you and I weep for every pristine acre that has been sacrificed for "Mc Mansions", but sadly this "project" will not only impact horse owners, but everyone who lives, works and drives in the Twin Oaks Valley area. You don't have to be a horse lover/owner to see the danger and stupidity of adding 8000 residents to an area that doesn't have (and won't have) the infrastructure in place for mass evacuations in the face of a brushfire. The fire evacuation plan is:"Stay in place (and roast yourself, instead). We'll build fire resistant homes so you don't have to evacuate", says the builder. I think it was Barnum and Bailey who said it best...If this project goes thru there's an awful lot of suckers in City Hall. I got a bridge in Brooklyn for

Housing proposal raises fire concerns

More homes could increase dangers

By Linda Lou
STAFF WRITER

June 10, 2006

DEER SPRINGS – A large development proposed along Interstate 15 north of Escondido has been criticized for being out of character with the rural area and for the traffic it would generate.

But Ira and Madelyn Buchalter, who live in Hidden Meadows near the development, are promoting another reason that it shouldn't be built – fire safety. They question a proposed plan to keep residents in their homes in the event of a wildfire.

Called the Merriam Mountains development, the proposal now would build about 2,700 housing units on 2,327 acres along the west side of I-15, from Deer Springs Road north to Lawrence Welk Drive. It is subject to county approval.

The Buchalters argue that building thousands of homes on the mountain would increase the chances of fires in the fire-prone area and could put people's lives in danger because access is limited. In the past few months, they have been researching wildfires and contacting experts.

Last month, they brought their concerns to the Deer Springs Fire District board. They plan to speak again at the board's meeting Wednesday.

Joe Perring, project manager for Stonegate Development Co., Merriam Mountains' developer, said the Buchalters' fire concerns are not new. He began meeting officials from Deer Springs, which would serve the development, about three years ago and is working with them to complete a fire protection plan, he said.

"We are not going to propose a development that does not have adequate fire safety or adequate fire evacuation routes," Perring said.

The main approach would be building a "fire-safe" community, Perring said, which involves constructing homes with nonflammable materials and creating sufficient buffer zones along the edges of the development. The proposed buffer zone would be 150 feet on the south and west sides, and 225 feet to 250 feet on the north and east sides, conditions set by the district, he said.

If a wildfire were to happen, Stonegate's fire consultants say that the preferred method of protecting residents would be a concept known as "shelter in place," which means allowing people to stay in their homes rather than evacuating them, Perring said.

The Buchalters question that idea.

<http://signonsandiego.printthis.clickability.com/pt/cpt?action=cpt&title=Housing+proposal...> 8/29/2006

Part 3 of 3 Attach J Page # 145

They contend that “shelter in place” is a controversial and experimental method of dealing with wildfires used in few places nationwide, primarily a handful of existing communities that lack sufficient ingress and egress. They quote experts who question the effectiveness of the strategy.

While there would be a firebreak around the houses, the Buchalters argue, dense smoke is the cause of most injuries and deaths in wildfires, and there is no such thing as a “smoke break.” When people see smoke outside, their instinct will be to evacuate, they contend, which will jam two-lane Deer Springs Road.

“Why propose building a dense urban housing project on an extremely fire-hazardous mountain with very limited escape routes, and then experiment with a strategy called sheltering in place?” the couple asked in an e-mail response to a question.

Susan Magadaleno, Deer Springs' fire marshal, said she's still researching shelter in place, a newer fire protection concept. The district is working with Stonegate on protection and evacuation plans and will present them to the community once they're complete, she said.

Magadaleno said she's aware of the concerns of residents of Hidden Meadows east of I-15, whose older homes are surrounded by thick vegetation. New developments such as Merriam Mountains are subject to stricter requirements including major brush clearing, she said.

Jean Slaughter, a Deer Springs board member, said he has gotten a few e-mails and phone calls from residents who oppose the project. They want the fire board to do the same, but that isn't its role, he said.

The board doesn't rule on land-use issues but decides if a developers' fire-protection plans are adequate. That usually means approval if they meet the conditions set by the district, Slaughter said. In this case, the main conditions would be making sure the roads are wide enough for fire engines, providing enough fire hydrants and sufficient brush clearance from the houses, he said.

Evacuating people is a concern but not one regulated by fire codes, Slaughter said, adding that evacuation is handled mostly by law enforcement.

“It's not written in the fire codes that you need an X amount of roads to evacuate the people,” said Slaughter, a retired Pasadena firefighter.

The fire district board will meet at 2:30 p.m. at Fire Station No. 1, 8709 Circle R Drive.

■ Linda Lou: (760) 737-7574; linda.lou@uniontrib.com

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Stonegate fire protection plan faces scrutiny

'Shelter in place' concept major point of concern for area residents

By Michael Dolan | dolan@times.net

SAN MARCOS — Should residents of a planned development stay or should they go in the event of a major brush fire? That was the question Deer Springs Fire District board members were left to ponder after hearing concerns about the project's fire protection plan.

The development in question is the Stonegate Merriam

Mountain project — a 2,700-home planned community near Merriam Mountain in the ridgeline north of Deer Springs Road in an unincorporated area of San Marcos.

Residents from the Twin Oaks Valley area of San Marcos and the Hidden Meadows area of Escondido voiced concerns at a meeting of the district's board Wednesday at Deer Springs Fire Station One.

According to area residents, a component of the developer's fire protection plan that called for a concept called "shelter in place," a plan in which residents would stay in their homes made of fire-resistant materials in the event of a brush fire, would be detrimental to public health.

Ira Buchalter, of Hidden

Meadows, said sheltering in place was never a concept developed for fires.

"It's so unusual, that it has never been done in the United States," Buchalter said.

He said the developer's plan states the only option for the estimated 10,000 residents of the development is to remain in their homes during a fire.

"This is the only place where they cannot evacuate," Buchalter said.

Buchalter said existing roadways in the area cannot handle current traffic loads on a given day, let alone during an emergency. He said the impact of adding lanes to Twin Oaks Valley Road will be negated by increased development.

Stonegate Project Manager Joe Perring stressed his com-

pany is concerned about the safety of residents. He said the fire protection plan his company is forwarding primarily is a building and landscape plan with fuel buffer zones clear of natural vegetation. The shelter in place component is one idea to mitigate fatalities in the event of a brush fire.

"It represents the latest thinking by fire officials on how to keep people safe in fires," Perring said.

Evacuation, Perring agrees, is the best option to avoid an approaching fire, but he said sheltering in place is an option to explore when all other options have failed.

"These are going to be some people ... (who) are not going to be able to get out, and those people need to be fire educated, fire wise and know what to

do in order to survive," Perring said.

He said by no means is sheltering in place a mandate by the developer.

Board member Dave Herbert said while the board appreciates the concerns of the residents and in most cases agrees with their position, the district is limited in what they can affect.

"We have to restrict ourselves to those things that the board has some say over," Herbert said.

Infrastructure, such as road access into and out of the development, and land zoning are not within the realm of the district, Herbert said.

He said the board relies on staff to provide information needed to make a determina-

IDAY :: 07.14.06

A5

rutiny

"It's so unusual, that it has never been done in the United States."

Ira Buchalter,

Hidden Meadows resident, on proposed fire protection plan

tion on approving the developer's required fire protection plan. But for the time being, there is no indication the plan will be adopted.

"I'm not exactly sure when a specific recommendation or report will come to us," Herbert said.

Reach reporter Michael Dolan at 760.752.6749.

During their examination

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2, No. 3

THE COMMUNITY NEWSPAPER FOR SAN MARCOS, VISTA AND ESCONDIDO

August 2006

Homeowners Oppose New Development

By Eric Stunzi
Staff Writer

SAN MARCOS - The latest battleground between long-time rural homeowners and deep-pocketed developers is heating up over the proposed 2,700 home Stonegate development on 400 acres in the Merriam Mountains.

Located immediately west of I-15 and north of Deer Springs Road, the ambitious project, like most large real estate developments, has come under fire from a diverse number of detractors who want it stopped.

Neighbors in the area have complained the influx of close to 9,000 new residents will overtax local roads like Twin Oaks Valley in San Marcos and the already crowded I-15 during rush hours.

The Twin Oaks Valley Equestrian Association would like the outlying areas to remain as rural as possible.

Two of the most vocal and determined opponents of the Merriam Mountain Project are Dr. Ira Buchalter and his wife, Madelyn, who live nearby at Hidden Meadows.

They point most specifically to the fire danger of the development situated on top of ridgetops surrounded by hundreds of acres of flammable brush and chaparral.

"This is a different, unique situation," said Dr. Buchalter. "It's on a very high fire hazard area - No. 5 level fire hazard, according to state fire regulations.

"If you put all those people next to 1,500 acres of fuel in the form of brush, it could be a tragedy waiting to happen."

The Buchalters moved to the area in 2003, just in time to experience the huge Cedar fires that raged close by in

the hills of Escondido. Their home, along with the new development, lies in unincorporated territory of San Diego County under the purview of Bill Horn and the county supervisors who must decide on the merits of the project.

"If you look at a topographic map, they only found five areas that they could flatten to stick their neighborhoods in," said Madelyn. "They picked a bad spot for development. There is no way 8,000 or 9,000 people can evacuate down that hill in case of fire."

In a copy of Stonegate's own 'Conceptual Wildfire Life Safety and Sheltering Plan' by the Kelly Day Group, dated June 6, the controversial "Shelter in Place" plan is mentioned where people are expected to stay in their fire-retardant homes rather than evacuate in case of fire. Clearly the Buchalters believe that high-density housing and big profits are somewhat higher on Stonegate's list of priorities than concerns for public safety.

"Our plans exceed every requirement of the State fire code," says project manager Joe Perring of Stonegate, which is based in Laguna Hills.

"Our plans call for a buffer zone of 225 feet on the north and east side, actually exceeding fire regulations. The width is determined by a wildfire model and state-of-the-art planning that determines what we build and how we build it."

Perring says Stonegate plans to widen Deer Springs Road from I-15 to Twin Oaks Valley Road. "We hope all goes as planned," said Perring.

"We are in the process of submitting plans to the supervisors, which will take several cycles and public review. We think we have a fairly good chance of success."

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VOLUME 12 . No.6

JULY 2006

ARO MEADOWLARK, July 2006

Stonegate adopts *Shelter in Place* as an alternative to evacuation for Merriam Mountain project

By Ira Buchalter

Evacuation has always been considered the "gold standard" of any fire protection plan. Due to extremely limited roads in and out of the Stonegate/Merriam project of 2,700 units near I-15 and Deer Springs Road, the estimated 10,000 project inhabitants cannot be effectively evacuated. The Stonegate project has only two main internal roads that both empty onto Deer Springs Road. This road is already seriously overburdened and even if widened to four-lanes will still fail (without Stonegate traffic being taken into account). If Stonegate were to be built, there would be no feasible way to evacuate the project's population in case of fire.

An untried method of fire "protection" called "sheltering in place" (SIP) is now being proposed by the developer. The homes will be built of "fire retardant" materials, have larger brush setbacks, and the 10,000 residents will be "educated" to stay put in their homes in the event of fire. When they smell the smoke, see the flames and feel the heat, the hope is that they will not try to escape by

leaving the mountain in their cars. Unfortunately, this SIP plan has never been tried "under fire" in the United States as the primary fire protection plan for a city-sized community. There is no data on what will happen during a real wildland-urban interface fire. Will there be mass panic and chaos, smoke inhalation, and severe psychological and physical injuries? How many deaths will occur? The problem caused by overbuilding homes without adequate road networks to keep pace with the housing has forced developers into proposing a new method to "protect" people during an intense firestorm (a scenario likely on Merriam Mountain).

On June 10, 2006, the San Diego Union-Tribune printed an article entitled "Housing Proposal Raises Fire Concerns"

"More homes could increase dangers" (http://www.signon-sandiego.com/uniontrib/20060610/news_1m110merr.html). The article stated: "If a wildfire were to happen, Stonegate's fire consultants say that the preferred method of protecting residents would be a concept known as 'shelter in place,' which means

allowing people to stay in their homes rather than evacuating them, Joe Perring (project manager for Stonegate Development) said."

On June 14, 2006, there was a large community turnout at the Deer Springs Fire Protection District's board meeting. A surprise announcement was made by Fire Board President Frank L. Asaro. He announced that he was in effect representing the developer, Stonegate, in his professional capacity as attorney to the Building Industry Association, while at the same time serving as President of the Fire District Board. Mr. Asaro therefore recused himself from any further Fire Board participation in Stonegate-related matters because of his conflict of interest. This recusal did not take place when the Fire District began negotiations with Stonegate in July, 2004 and therefore, the process was influenced by Mr. Asaro's participation. Members of the community were also outspoken and disturbed about the increased danger of fire due to a population of 10,000 people being placed amidst 1,500 acres of extremely flammable vegetation

(which will be left undisturbed in agreement struck with conservat agencies). When a fire starts Merriam Mountain, it can easily spread by prevailing winds Champagne Village and Hidden Meadows or to the south and west Santa Anas are present. Residents the adjacent communities believe that "sheltering in place" will work in a firestorm and that inhabitants of the Stonegate project instinctively flee, clogging roads. This will impede the evacuation of current residents of the area. The community re-stated its belief that the Stonegate project is ill-conceived and dangerous to its future inhabitants and to the present residents of all adjacent communities including Hidden Meadows.

You may be interested in attending the next Fire Board Meeting 8709 Circle R Drive, on July 2006 at 2:30 pm and stating your opinion to your elected fire board officials. If you are interested in their updates, you may e-mail hb@aol.com.

VOLUME 12 . No.7

AUGUST 2006

Critics refer to Stonegate/Merriam Mountains project as a deathtrap on CBS

s.a

Ira
Buchalter

•A meeting to discuss the Stonegate/Merriam Mountain Fire Protection Plan was held between our Deer Springs Fire District Board and the Community on Wednesday, July 12th, 2006. Despite the brief time for notification of a 6 p.m. meeting, it was a full house of concerned residents.

Fox TV news was present and their coverage was aired at 10 p.m. on Wednesday, July, 12th. A reporter from the North County Times covered the story and it made Front Page Headlines on July 13th, 2006. Anyone can view the story by clicking on their website.

In the article, Joseph Perring, Stonegate's project manager was quoted as saying that shelter-in-place is not something the developer is excited about.

CBS news and NBC news then requested interviews that were granted on Thursday, July 13th, 2006. Attention was directed towards the "shelter-in-place" concept which would require residents to remain confined in their homes during a wildfire, with no option to evacuate.

The CBS story which aired on Thursday July 17, 2006 (News 8 at 5 p.m.) referred to the fact that critics have labeled the Stonegate development as a deathtrap. They quoted the Stonegate representative, Joe. Perring, as saying the

shelter-in-place idea doesn't thrill his company. No information was given as to how compromised medical patients, or infants and young children, or the elderly would fare in such a situation or if any SIP planned community had ever even tried out Mr. Perring's advice to stay at home in an actual wildland fire.

The NBC story which aired on Thursday July 13th (7/39 News at 5 p.m. and 6 p.m.) quoted a local Fire Chief that said that shelter-in-place was "another tool in the toolbox". What wasn't stated was that if a fire started on Merriam Mountain, evacuation would not be possible. He did not mention any other tools.

The Fire District Community meeting concentrated on the fact that the shelter-in-place strategy in a planned SIP community has never been tested and amounted to medical research being done on 10,000+ people without authorization. It was especially emphasized that those with asthma, emphysema, cardiac disease, infants and the elderly would be especially affected. Smoke inhalation, heat exposure, stress, terror, or the fire itself could result in many fatalities.

The community reminded the District Fire Board that approving the Fire Protection Plan would make the Board and its members


responsible and liable for the safety of the residents. They said that Stonegate could easily say they only submitted a plan but it was the Fire District and the Planning Unit that found it satisfactory. It's up to the Fire Board, representing their constituents, to protect the public's safety and welfare.

The Community meeting was videotaped, as were all three network newscasts. If you would like more information or would like to view the proceedings, please contact by e-mail entihb@aol.com.

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MEAD W LARK



VOLUME 12 • No. 8

SEPTEMBER 2006

Proposed Stonegate project's fire protection plan in shambles

By Ira Buchalter

The proposed 2,700-unit Stonegate/Merriam Mountains development (located at the I-15/Deer Springs Road intersection and the subject of a series of previous articles) has recently run into difficulty in devising a viable Fire Protection Plan. The Stonegate project has a serious problem with respect to fire safety because it proposes to locate a dense urban housing development in a severely fire-hazardous mountainous area that provides no opportunity for timely evacuation. This will endanger the lives of thousands of future residents in the event of fire.

Large national medical organizations that are the watchdogs of public health and safety have reviewed the proposed Stonegate development and have officially alerted the County's Department of

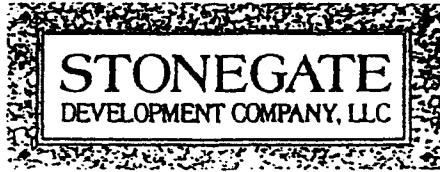
Planning and Land Use to the dangers of the untried "shelter-in-place" strategy (i.e., advising residents to remain confined to their homes in the event of a wildfire). By their own admission, Stonegate's fire experts state it will be impossible to evacuate the project in time because of the "extreme rate of burning" if a fire starts on Merriam Mountain or adjacent areas. If evacuation is attempted, it will be by definition a late evacuation, which is the most dangerous scenario of all. The roads will quickly become smoke-filled and the 10,000+ residents will be exposed to the radiant energy of the fire as well as flames and smoke inhalation.

The number of egress roads within the project will not be significant because of the large population needing to evacuate (10,000 to 13,000 people) and the short period of time (10 to 15 minutes) before the fire is predicted to reach the crest of the mountain, according to CDF scenarios. It will also not matter whether Deer Springs Road is widened to four lanes or even six lanes (a recently promoted circulation option) since there will not even be enough time to get to Deer Springs Road as the

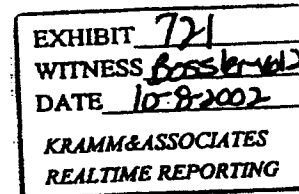
residents try to outrun the flames.

All the above has stymied planners to come up with a Fire Protection Plan that is not egregiously dangerous.

The County Planning Department has not disclosed whether any progress has been made on this insoluble problem. However, helicopters have been sighted buzzing over Merriam Mountains, leading to speculation that an evacuation plan may yet be proposed. With all the recent media attention given to the fire danger of the proposed Stonegate development (including coverage by the major TV networks as well as the major and local newspapers), any new Fire Protection Plan will be looked upon with great scrutiny.



February 20, 2002



All Merriam Property Owners

Re: Wyndham International - (Owner of the Golden Door Resort)
Meeting with City and County Officials - February 14, 2002

Dear Mr. Shibley:

As you know we have been working for months with Wyndham International to encourage them to agree to annex to the City of San Marcos so we can complete a physical connection to the City for the purpose of annexation. You will recall that the City has shown a strong support for the project.

Wyndham has sent a number of executives to meet with us and we have arranged meetings with the City officials and supporting consultants. We have supplied information to a number of Wyndham consultants and helped them with their reports to the Wyndham management.

Along the way we met with the management of the Golden Door Resort. The Golden Door is a world famous health and fitness resort that was founded by Ms. Debra Szekely and enjoys a very upper crust clientele that can afford to pay \$5,975.00/week per person (www.goldendoor.com), with one hundred percent occupancy. As we entered the Golden Door for our meeting we could hear the traffic noise coming from Deer Springs Road. The manager of the Golden Door remarked that traffic noise was beginning to impact the peace and serenity of a country location that is part of the Golden Door's allure. The concern of the Golden Door management is that continued or expanded development will further impact or even jeopardize the very existence of the resort. Ms. Szekely has been involved with local Twin Oaks Valley people in the past to oppose development and also worked against the operation of the Hanson Aggregates quarry on north Twin Oaks Valley Road.

When Wyndham acquired the Golden Door and the surrounding four hundred and fifty acres, they concluded a management arrangement with Ms. S and proceeded to "Brand Name" the Golden Door and have now constructed several additional Golden Door Spas as part of their luxury resort facilities. They even have a Golden Door line of bath and body products they are marketing. The Golden Door is an important Flagship to Wyndham and issues that threaten its viability are of issue to them.

Consultants who have studied the issue for Wyndham have concluded that the impacts upon the Golden Door do not originate from local development, but instead go to the very core of the economic success of San Diego County. San Diego County has been a very attractive place for business location and employment growth has been phenomenal over the past decade. Housing has not kept pace with employment and the housing to support employment has all been built in south Riverside County. The result is commuter traffic between housing in south Riverside County and employment in San Diego County. Deer Springs Road, which passes directly in front of the Golden Door, is a short cut between housing and employment. Thus the impacts on the Golden Door have nothing to do with local development and will not be lessened nor mitigated irrespective of development of the Merriam Mountains.

The City of San Marcos has offered to include sound mitigation to the extent possible in the overall infrastructure plan for development of the Merriam Mountains as part of the annexation package.

We believe that the management of Wyndham is fully aware that the best way to protect the Golden Door and to achieve the economic benefits of development of their excess property is to annex to the City. Ms. Szekely has maintained a strong and influential opposition to annexation.

After months of stalemate on this issue, and as a means of bringing the matter to conclusion Wyndham asked us to arrange a meeting with City of San Marcos officials, County officials and the Chairman of Wyndham International. The meeting took place February 14th, at the City office. Attending the meeting for Wyndham were Mr. Kliesner, Chairman of the Board, Mr. Joe Champ, Chief Investment Officer, Mr. Rob Davis, V.P. of Development and Mr. Wes Peltzer, a local attorney, and Ms. Szekely. Attending for the City was Mr. Corky Smith, Mayor, Mr. Lee Thibadeau, Councilperson, Mr. Rick Gittings, City Manager, and Mr. Jerry Backoff, Director of Planning. Attending for the County was Mr. Chris Brown, Senior Policy Advisor for Supervisor Horn.

The City officials did a great job of explaining all the development pressure around the Golden Door, including an exhibit that shows projects in process or approved in Twin Oaks Valley totaling 1,392 single family homes, 120 Senior Housing Units and 656 apartments. They also produced an exhibit showing future circulation plans with Deer Springs Road as a primary connection to employment and housing all the way from Interstate 15 through San Marcos and Encinitas to Interstate 5 on the coast. The City officials reiterated their offer of a pre-annexation development agreement and financial assistance as to mitigating sound impacts on the Golden Door.

Mr. Brown from Supervisor Horn's office emphasized Supervisor Horn's commitment to property rights and his assertion that the County's 2020 process was doomed to failure, due to the inability of warring parties to compromise. Mr. Brown believes that sooner or later the Supervisors will intervene and each Supervisor will end up designating the land use within their respective Districts. Mr. Brown also indicated that Supervisor Horn had seen the plans for the Stonegate Merriam Mountains project and was generally supportive.

It was clear from the questions posed by Ms. Szekely to the City officials and myself that she is opposed to any development and has been the main obstacle to Wyndham's agreement to annexation to the City. We have every reason to believe that Wyndham executives already knew this information and that this meeting was a final effort to convince Ms. Se that Wyndham's best hope to protect the Golden Door and have a role in course of development is to annex to the City.

Ms. Szekely is a dynamic lady of more than seventy years, with deeply held beliefs; I doubt that the facts presented at the meeting dislodged her anti-growth sentiments. It is now up to the Chairman and the Board of Directors to determine the best interests of Wyndham International Corporation. The meeting ended with a commitment from Wyndham's Chairman to provide Stonegate and the City with a written response as the Wyndham's willingness to annex and if so under what terms. Timing for this response is two weeks to thirty days.

Meanwhile it is Stonegate Managements belief that the housing imbalance is working in our favor and that prospects are better for approval in the County than they have been in the past. Some of our Executive Committee members have had direct and personal contact with certain Supervisors who have said, "It will be a horrible process, but bring it forward, when you get to the Board, you will have the votes". I have been instructed by my Board to gear up for the long and difficult process of taking the project thorough the County.

David Shibley and I will be working through your brokers and attorneys to complete the final paperwork and commence the fight in earnest.

Sincerely,

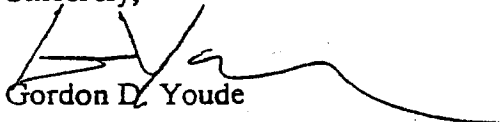

Gordon D. Youde



EXHIBIT	707
WITNESS	Bosler-vol 2
DATE	10-8-2002
KRAMM & ASSOCIATES REALTIME REPORTING	

ber 13, 2000

am Mountains Property Owners and Interested Parties
David R. Shibley,

A. PROCESS PLODS SLOWLY ON: At the request of the County Department of Planning and Land Use, we granted a time extension for the County and Planning Groups to respond to the PAA. The deadline date is now ry 2, 2001 for County and Planning Group response. Granting extensions to the County is similar to granting sions to the IRS. You can refuse their requests but you will pay.

ecember 2, 2000, we held a site tour for the benefit of the Twin Oaks Sponsor Group & the Bonsall Sponsor Group. our was also open to the public. Twenty-five people attended. Presenters included Stonegate personnel, Mitch champ (our biologist), and David Shibley. Attendees included members of the Twin Oaks Sponsor Group, Bonsall sor Group, San Diego County Department of Planning and Land Use, Sierra Club, Multiple Species Conservation Groups, adjoining property owners and unaffiliated citizens. The majority of the participants was genuinely ested in seeking information about the project & expressed thanks for the presentation. It is hard to imagine how big acres really is unless you actually cover the territory.



Bonsall Sponsor Group was planning to vote on the PAA on December 5th. We attended the meeting and were pared to answer their questions as it relates to San Diego County Board Policy I-63, which sets the criteria for luation of PAA's. We passed out copies of Policy I-63 and began to present our case for meeting at least eight of the criteria. It's only necessary to meet six and we are confident we can meet at least eight. The Board Chairperson nmented that they had never seen Policy I-63 and were unfamiliar with its contents. Apparently, the County Planning partment had sent the application to the Sponsor group without any instructions whatsoever. The Sponsor group was pared to vote Tuesday night, however when they realized they were not familiar with the criteria they were to use for voting, they asked for a delay to review the I-63 criteria and prepare their vote. The actual procedure is that they must quest a delay of the County Planning Department and they will in turn ask us for an extension, which takes us back to first paragraph of this letter.

prevent the same problem from occurring with the Twin Oaks Sponsor Group planned meeting of December 20, 2000, have taken it upon ourselves to do the Planning Department's job & supplied copies of the Policy and criteria in vance of the meeting.

e rules of a PAA approval are as follows: There are three "assessments"- the County Planning Department, the Twin Oaks Sponsor and the Bonsall Sponsor Group. A "no" vote from any of the three automatically takes us to the Planning Commission. At this int we believe we have a reasonable chance of getting a "yes" from the Planning Department and the Bonsall Sponsor Group.

Part 3 of 3 Attachment J Page # 155
e do not believe we have any reasonable chance of getting it from the Twin Oaks Sponsor Group; therefore we will automatically go to the Planning Commission.

ie probable schedule of events known at this time is:

Twin Oaks Sponsor Group	December 20, 2000 6:30 PM, Twin Oaks High School 158 Cassou Road, San Marcos, CA
Bonsall Sponsor Group	January 2, 2001 7:00 Little Old Bonsall School House (Old River Road between Camino del Rey and Golf Club)
County DPLU	Result before the end of year. This assessment is independent of the Sponsor Group's assessments.
County Planning Commission	February or March 2001 Planning Commission Hearing Room 5201 Ruffin Road, San Diego, Ca. 92123-1666
County Board of Supervisors	Only if denied by the County Planning Commission or if a favorable decision by the County Planning Commission is appealed by another party

is our belief that the plan we are proposing is a smart plan and will ultimately gain approval. The time frame for the initial step has extended beyond the contract date of December 15, 2000. I will address that issue later on in this letter.

20 REPORT

ough the efforts of the SOLV group, and the individual effort of Dave Shibley, (now the most hated man at DPLU), first publicly proposed draft of Plan 2020, called Alternative III, has been forced back to the Sponsor Groups for re-valuation. The Sponsor Groups will now have to consider property owners input and challenges to the unrealistic density allowances contained in the proposed Alternative III plan. This has bought us time to process the Montéchez plan. The battle is far from over and SOLV still needs continued support. See attached articles about current progress.

We have filed requests on behalf of all participants in the Montéchez project requesting a density of one residential unit per acre in the event Plan 2020 is adopted. Your current density under the existing General Plan (which the County now calls Alternative I) is one residential unit per two, four, or eight acres depending on slope. Alternative III recommends a density of one residential per forty acres. David Shibley has also contacted all property owners in the Twin Oaks Sponsor Group with property in excess of two acres in size and has prepared sample requests for changes in the densities proposed under Alternative III. Dozens of those property owners have responded and many of them will be attending the meeting on December 20, 2000. It is imperative that as many of you owners as possible attend that meeting, as this will be your best opportunity to express your dismay and anger at the densities recommended under Alternative III. It will also be your best opportunity to ask the Sponsor Group to justify how they assigned a density of one residential unit per forty acres. I suspect they will try and blame it on the County Planning Department, which is what the Bonsall Sponsor Group did. Believe me these people do not have your interest at heart and unless you stand up to them they will get their way.

OVERALL STRATEGY

We have expected all along to be turned down by the local planning group. They are simply NIMBY (Not In My Back Yard) groups out to protect their interests, which they perceive as being served by denying any project that they believe would add to the traffic in their area. We have always expected that we would win the battle at the Planning Commission or Board of Supervisors. That confidence is bolstered by the work done by the SOLV Group and our hired Political Consultant and Land Use Attorney. At this point in time, Stonegate Development is the premier entity capable of entering Plan 2020 and getting projects approved prior to the enactment of Plan 2020. We have worked very hard to

vince the local planning groups that the design of this plan allows them to accommodate some much needed increase in the housing supply while protecting them from the negative effects of traffic by directing all traffic from the project onto Interstate 15 instead of on their back country roads. We still have a chance of carrying the day on that score.

If we receive a negative response from the Twin Oaks Sponsor Group, we may modify our submission and request a doubling of the density. If we have to fight why not fight for the entire loaf rather than half. This puts the Sponsor Group in the position of supporting a project of approximately 542 homes under the existing General Plan or running the risk of having 1,200 homes forced down their throats. One way or the other with your cooperation and patience, we will get a project approved on this property. Our proposal to date is that we have submitted a plan, which is consistent in density with the existing General Plan, is environmentally sensitive and provides live, work, & play opportunities that work to increase overall traffic congestion in the area. If rejected, we may submit a modified submittal and it will be based on the principles of Smart Growth, which are enumerated in the Goals and Policies of Plan 2020 (copy provided), which specifically requires that future growth be concentrated on existing major arterials, where facilities already exist.

ADJUSTMENTS TO CONTRACTS

the terms of our contracts/options with you have a date to release payments to Sellers based on PAA approval or December 15th, whichever is earlier. December 15th is this week and we have no PAA approval and at this point it looks like February or March 2001 for approval. The total amount of payments due is \$1,300,000. No prudent investor would invest that sum of money in light of the total uncertainty facing this project. At present we are asking all of you to extend the date of the PAA approval to March 31, 2001. In consideration for this extension we are willing to increase the amount of the first payment released to you by ten (10%) percent, so that for example, if the release was supposed to be \$50,000 it would be \$55,000. This consideration is continued evidence on our part that we are still spending money, time and effort on this project, which is really on your behalf. Unless this project is advanced and a Specific Planning Area created, the local powers fully intend to designate an uneconomic density for your property without your consent. Stonegate is currently paying the political consultants and land use attorney fees to protect you from the effects of Plan 2020. In addition to processing a project under the existing General Plan, Stonegate has submitted a letter on behalf of each of you requesting suitable density in the event Plan 2020 is successful. This total effort to date is close to \$200,000 plus all the planning and political meetings. If Stonegate were to withdraw, each property owner would have to assume those obligations individually to counteract Plan 2020. We are committed to this project and have no intention to withdraw but do need your understanding and patience.

If the PAA is rejected and we regroup to submit a plan with twice the density we will propose a revision to the contract that will reflect a higher price to you.

CHANGES IN PROPERTIES INCLUDED

A few property owners declined to be included in the first version of the plan. As the reality of Plan 2020 has been fully realized, some of the original declining owners have asked to rejoin the plan. In addition several surrounding properties have asked to be included in the plan to protect them from the effects of Plan 2020. These potential changes have caused confusion with the local planning boards and County Planning Department. The confusion adds to the difficulty of obtaining approval of the PAA. The Bonsall Sponsor Group was on the verge of voting approval of the PAA until they became confused over the boundaries of the project. Therefore, we are not accepting changes to the properties included in the plan at this point.

We welcome your questions regarding this proposal and are willing to meet with you or your representatives to discuss the project further. Please advise by phone or written correspondence as soon as possible as to the extension to March 31, 2001. I will have our attorney draft an escrow amendment as soon as I have heard a response from you or your representing real estate broker.

Sincerely,
STONEGATE DEVELOPMENT I, LLC


Gordon D. Youde, President

27071 CABOT ROAD, SUITE 106 • LAGUNA HILLS, CA 92653
PHONE (949) 367-9400 • FAX (949) 367-9405

767.3

Stocks, William

From: Pauline Hadley [phadley@mac.com]
Sent: Friday, October 13, 2006 3:02 PM
To: Stocks, William
Subject: Fwd: STONEGATE PROPERTIES EAST AND NORTH OF ME

STONEGATE PROPERTIES IN VIOLATION OF FIRE CODE, CITED 9-21-06.? LIVING NEXT DOOR TO FIRE HAZARDS WITH SANTA ANA WINDS COMING, VERY STRESSFUL ON 72 YR OLD WOMAN.? I MAY SELL AND MOVE TO AZ.? SINCE STONEGATE 2.5 YEARS AGO BOUGHT EAST AND NORTH OF ME, NOT ANY CLEANUP HAS BEEN DONE, ADJACENT TO MY LAND.? I SENT HIM THE CODE.? HE SEEMS TO IGNORE IT.??
? ?IS THIS THE KIND OF DEVELOPER WE ARE LOOKING FOR?? HE GETS UP ON TV AND SAYS HOW HE CARES ABOUT FIRE PROTECTION, BUT THESE PICTURES SHOW HIS OWN PROPERTY IN VIOLATION!?! I MAY HAVE TO MOVE FOR MY OWN PROTECTION!?
PAULINE HADLEY

Begin forwarded message:

From: Pauline Hadley <phadley@inetworld.net>
Date: October 13, 2006 2:36:17 PM PDT
To: JOE PERRING STONEGATE <joe@stonegatedev.com>
Subject: STONEGATE PROPERTIES EAST AND NORTH OF ME

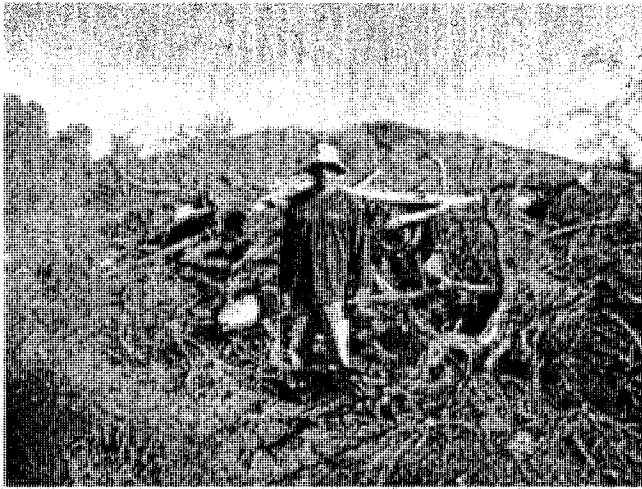
TO: JOE PERRING

THESE PHOTOS SHOW THE HORRIBLE HUGE PILES OF "FUEL" EAST AND NORTH OF ME.? SINCE WE ARE EXPECTING SANTA ANA WINDS, AND HAVE TERRORISTS WITH MATCHES, THIS CONDITION IS VERY STRESSFUL TO ME.? FOR TWO AND ONE HALF YEARS, YOU HAVE LET THIS VIOLATION OF FIRE ORDINANCE EXIST.

I HAVE GIVEN YOU NAMES AND ADDRESSES OF PEOPLE WHO CAN HELP YOU COMPLY WITH THE LAW.? OVER THREE WEEKS AGO YOU WERE CITED BY FIRE INSPECTOR.? FOR STONEGATE TO KEEP THEIR PROPERTY ADJACENT TO HOMEOWNERS A FIRETRAP, IS A DISGRACE.

WHEN YOU YOU INTEND TO COMPLY WITH THE LAW?

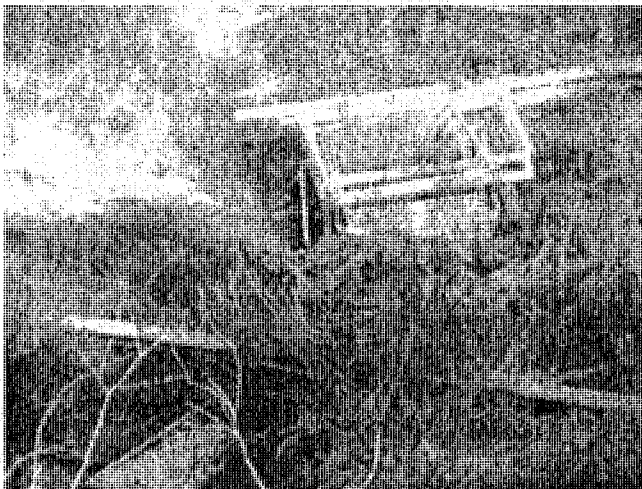
PAULINE HADLEY 610 DEER SPRINGS, YOUR NEIGHBOR



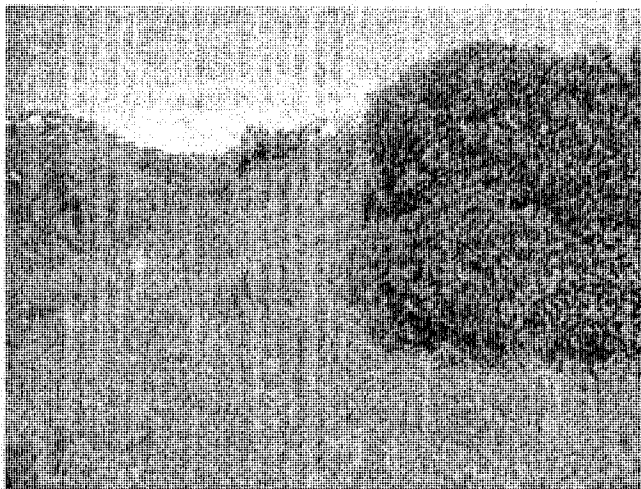
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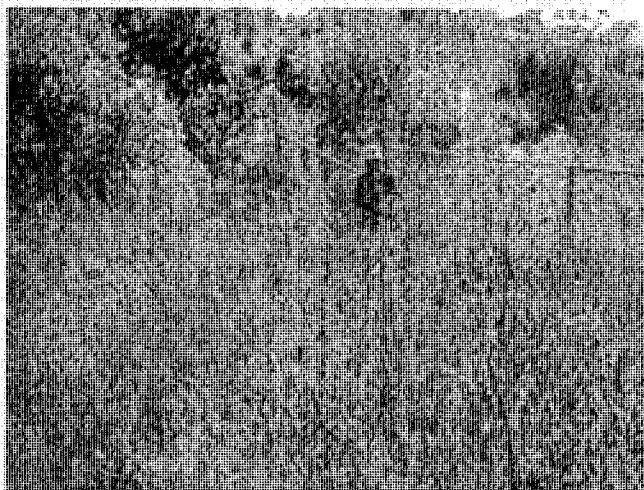
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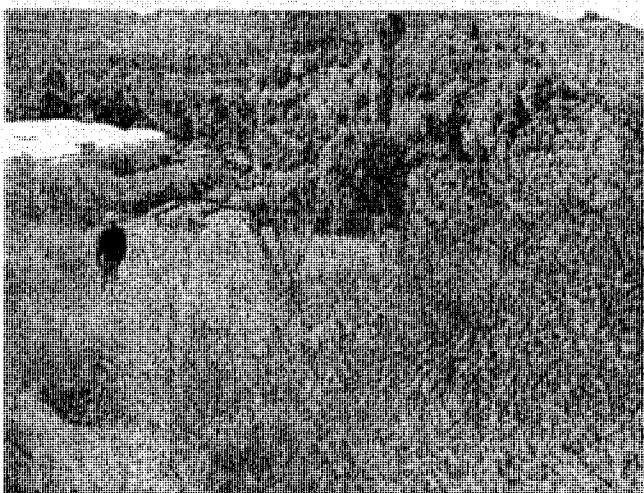
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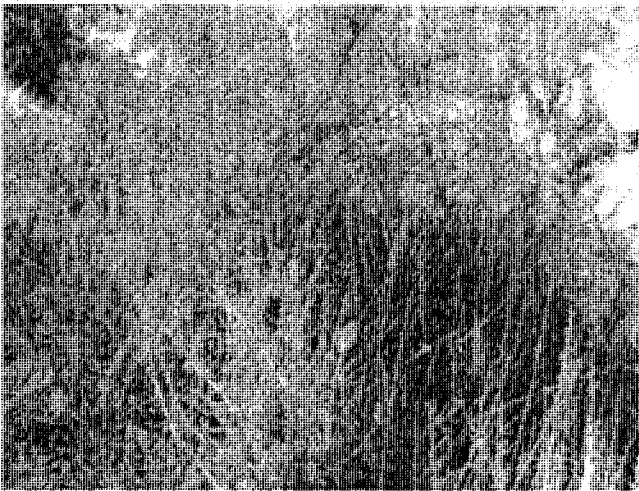
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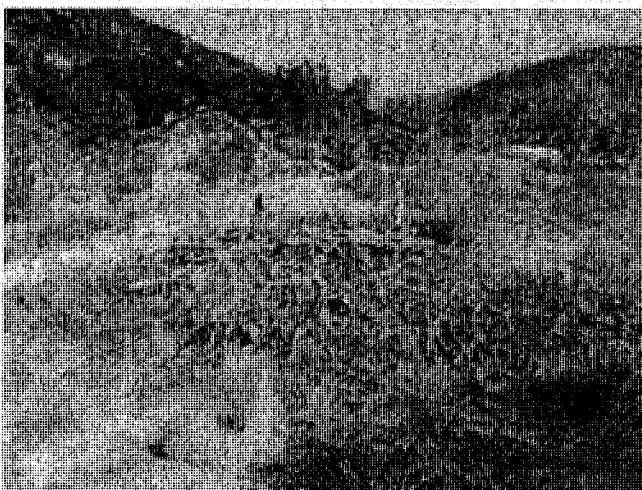
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October 11, 2006

My Public Comment at the Deer Springs Fire Protection Board Meeting

My name is Karen Binns, 2637 Deer Springs Place, San Marcos. My property abuts the proposed Meadow Park Lane and the 105 condos on all 3 sides of me.

I am here to state that Stonegate was cited by the San Marcos Fire Dept. for weed violations a couple of weeks ago by a complaint made by one of my neighbors. Stonegate owns these 2 properties.

There are 5 ft. high piles of tree trunks on their property piled on a hillside under my neighbors guest house. This has been like this for 2+ years now.

There are also high weeds and brush all over the 2 properties.

It is almost comical if it were not such a BLATENT disregard for fire safety and the safety of their abutting neighbors **who did not ask to be placed next to this disasterous project.**

You would think that with all of the fire inspectors and County building inspectors coming out to view the site that Stonegate "would err on the side of caution." They obviously do not care!

Maybe the bigger question is why wasn't this noticed by the 2 Fire Departments when they were coming out to view fire accesss and the fire hazard threats of this location for the Stonegate project?

I know that due to the location of Meadow Park Lane that this area was not overlooked. It is one of the 2 access roads for the project.

Why wasn't this noticed and cited a year ago; why only after a neighbors complaint?

This is why we are afraid of this project. We cannot trust the developer to protect the adjacent neighborhood and I guess we are not sure that we can trust the people in charge to protect us either. We are afraid that since Stonegate cannot get their own affairs in order, their fire plan will never protect us either.

RECEIVED
NOV 02 2006

DEPARTMENT OF PLANNING
AND LAND USE

The San Diego Union-Tribune

October 6, 2006

Developer's raw land is fire safety risk

I own property on Merriam Mountain immediately adjacent to land purchased by Stonegate Development Co. Stonegate is currently seeking county approval to build a massive 2,700-unit housing project in a mountainous, high fire hazard area currently zoned for very low density.

In the two-plus years that Stonegate has been my neighbor, it has neglected the maintenance of its 5.2-acre and 3.4-acre parcels. The land has become covered with tall weeds and piles of slash, debris, rubbish and dead trees. The chaparral on the properties has been allowed to grow dangerously close to existing structures.

Stonegate was recently cited by the San Marcos fire inspector for fire code violations.

In my view, Stonegate's neglect of the fire safety of its own property speaks volumes about the kind of developer it truly is – indifferent, self-serving and a menace to our community.

PAULINE HADLEY
San Marcos

The North County Times – October 5, 2006

Letters to the Editor:

Indifferent and self-serving developers

I own property on Merriam Mountain immediately adjacent to land purchased by Stonegate Development Co. Stonegate is currently seeking county approval to build a massive 2,700-unit housing project in this mountainous, high-fire-hazard area currently zoned for very low density.

In the 2 1/2 years that Stonegate has been my neighbor, they have totally neglected the maintenance of their 5.2-acre and 3.4-acre parcels, allowing them to become covered with tall weeds and piles of slash, debris, rubbish and dead trees.

The chaparral on the properties has been allowed to grow dangerously close to existing structures. This is the same developer who wants approval to build 2,700 homes in a steep, high-fire-hazard area with no chance for evacuation in the event of wildfire. And the same developer who claims, "No one is more concerned with fire safety than we are." Stonegate's actions speak louder than words.

Their neglect of the fire safety of their own property speaks volumes about the kind of developers they truly are.

Pauline Hadley
San Marcos

RECEIVED

SEP 26 2006

San Diego County
DEPT. OF PLANNING & LAND USE

IRA H. BUCHALTER, M.D.
Escondido CA 92026
760.751.5353
entihb@aol.com

September 25, 2006

VIA FAX: 858.694.3591

Mr. William Stocks
Project Manager
San Diego County
Department of Planning and Land Use
5201 Ruffin Road
San Diego, CA 92123

RE: Stonegate/Merriam Mountain Fire Protection Plan

Dear Mr. Stocks:

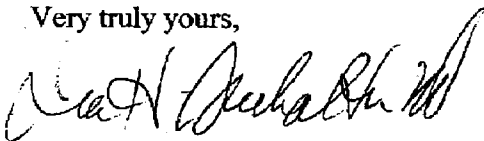
Thank you for replying twice to my e-mail of September 19, 2006.

A commentary published in today's North County Times entitled "Fire risk should hose Stonegate project" describes the problems of a Fire Protection Plan for the proposed development:

<http://www.nctimes.com/articles/2006/09/25/opinion/commentary/92406151710.txt>

A meeting of all the surrounding communities will be held on October 4 at 6:30 P.M. to review and discuss the DPLU's and the Fire District's handling of Stonegate's Fire Protection Plan to date. You and Fire Marshal Dawson are invited to attend to answer the community's questions.

Very truly yours,



Ira H. Buchalter, M.D.

[Note: Details as to the place of the meeting will be forwarded.]

cc: Paul Dawson, Fire Marshal, DPLU
Gary L. Pryor, Director, DPLU

Stocks, William

From: Entihb@aol.com
Sent: Tuesday, September 19, 2006 2:36 PM
To: Stocks, William
Cc: Dawson, Paul; Pryor, Gary L; Russell, Glenn S
Subject: Stonegate/Merriam Fire Protection Plan

IRA H. BUCHALTER, M.D., B.Ch.E.

Escondido, CA 92026

760.751.5353.

entihb@aol.com

September 19, 2006

RE: Stonegate/Merriam Mountains Fire Protection Plan

Dear Mr. Stocks:

I have read the August 31, 2006 letter written by Fire Marshals Dawson and Magdaleno and Fire Chief Bolton which states that "Shelter-in-Place" (i.e., residents staying within the development during a wildland fire) and "Defend-In-Place" are "inappropriate" for the Stonegate/Merriam Mountain site. These fire specialists instructed that all references to "Shelter-In-Place" and "Defend-In-Place" be removed. The project's residents have no other option but to evacuate.

The developer states that an orderly and successful evacuation of the project is impossible based on CDF fire scenarios "which predict an extreme rate of burning." Common sense and quantitative evaluation of the variables confirm this conclusion.

Thus, Stonegate's Fire Protection Plan will not protect life (a requirement of Article 86 of the Fire Code is to protect life).

If the DPLU uses a "Shelter-In-Place" strategy and calls it by another name, the community will be alert to this deception and publicize it. It is known that this development cannot effectively be evacuated. In the event of fire, panic will occur because many residents will not be able to leave. **Knowing** that people will be unable to evacuate in time and will have to remain in the midst of a firestorm is unconscionable, has never been done, and is against your own fire marshal's directive.

I would appreciate a reply.

Very truly yours,

Ira H. Buchalter, M.D., B.Ch.E.

cc: Paul Dawson, DPLU
Gary L. Pryor, DPLU
Glenn S. Russell, DPLU

9/20/2006

From: Pauline Hadley [phadley@mac.com]
Sent: Wednesday, September 06, 2006 1:53 PM
To: Stocks, William
Subject: Re: SANTA ANA WINDS OCTOBER 2006

Bill:

In researching Santa Ana winds and fire on internet, it states **we are in the most dangerous fire area in the entire world!** I had not known that before! Perhaps your DPLU is not aware either? To put 10,000 people in a virtually "landlocked" area, told to "stay in place" when the fire hits, as there are inadequate escape routes, and to call this "acceptable" in the eyes of DPLU, seems strange to me.

It was bad enough when we thought we had roads to escape, but now 10,000 or more persons will be clogging the roads, making it impossible for any of the long time residents to escape? We all perish in our cars? Maybe we need to have underground "bunkers" that we call "wine cellars" with scuba gear inside of them, oxygen tanks or air tanks? Or a central concrete dome with air supply, water, porta potties, is waiting for us and our pets? horses?

Many people coming to this area are unaware and/or uninformed of the fire hazard, that it is **classified as most dangerous in the entire world**. I surely didn't know! After they buy, they are told they are not only in worst fire potential area of world, that Santa Ana winds cannot be controlled, roads are jammed?

With 10,000 more people in a chaparral area, kids and terrorists with matches, we are bound to have many more fires than when it was natural land. I personally feel that putting those people there, is a grave danger to all of us who chose this as a place to live. They will NOT stay inside their homes when the fires come! Would you?

When you say the DPLU feels Stonegate risks are "acceptable", is this your personal feeling, or entire DPLU board?

With much of our population aged, building densely populated 3 story walkups, in areas where people will be "cooked" in next fire, does not seem acceptable to many. No public transportation, many without cars?

The recession that hits next year will stall this for a decade, but Stonegate, or other dangerous projects, needs to be eliminated, not merely delayed.

This is CRIMINAL, ignoring safety and health of thousands of residents, not just stupid. Please let me know names of the people who feel this is "acceptable", Bill. I emailed the site to you about the winds:

http://tenaya.ucsd.edu/~westerli/pdf/04EOS_Westerling.pdf#search=%22santa%20ana%20winds%20fire%22

Giving the power to a handful of people whose jobs depend upon their "minding" the orders of certain

9/7/2006

policitians, to kill thousands, needs to be aired.

So glad I have the funds to get the Hell out of here. However, I feel I am being driven from my home state unfairly, for my own safety, as my government doesn't give a damn. They only care about the "money".

Between the coming winds and fires, earthquakes, this place will be a total disaster. Even the beach dwellers will die from the smoke filled air.

Pauline Hadley

Part 3 of 3 Attach J Page # 169

FAX COMMUNICATION

RECEIVED

SEP 19 2006

San Diego County
DEPT. OF PLANNING & LAND USE

TO: William Stocks
FAX: 858.694.3591

DATE: September 19, 2006

FROM: Ira H. Buchalter, M.D., B.Ch.E.
760.751.5353
entihb@aol.com

OF PAGES: 2 (including cover sheet)

RE: Stonegate/Merriam Mountains Fire Protection Plan

(Hard copy for your files – original e-mail sent on 9.19.06)

RECEIVED

SEP 19 2006

San Diego County
DEPT. OF PLANNING & LAND USE

IRA H. BUCHALTER, M.D., B.Ch.E.

Escondido, CA 92026

760.751.5353.

entihb@aol.com

BY FAX: 858-694-3591

September 19, 2006

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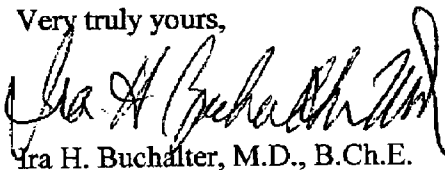
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I would appreciate a reply.

Very truly yours,



Ira H. Buchalter, M.D., B.Ch.E.

cc: Paul Dawson, DPLU
Gary L. Pryor, DPLU
Glenn S. Russell, DPLU

From: Entihb@aol.com
Sent: Friday, July 28, 2006 10:28 AM
To: Stocks, William
Cc: Dawson, Paul
Subject: Stonegate's Fire Protection Plan

Dear Bill:

Thank you for returning my call on July 27th, 2006.

In response to my inquiry, you informed me that a viable Fire Protection Plan (FPP) does not presently exist for Stonegate.

I am mailing you some DVDs to make you aware of the documentation that exists and the community's intense interest in any FPP put forward. Any FPP will undergo scrutiny by national experts and the results will be widely publicized independent of whether they are in agreement with DPLU's recommendation.

The Deer Springs Fire Protection District is well aware that they will be held accountable when a tragedy occurs. They have been advised that the DPLU will shift all blame to the Fire District Board.

An article in yesterday's North County Times by Ned Randolph stated: "And Deer Springs fire Marshal Susan Magdaleno said she thinks the [fire] protection plan **is close to being resolved** (Stonegate's original plan has been amended several times since it was first submitted in February 2005, she said)."

I'd like to hear from you how the FPP is close to being resolved. That was not my impression from talking with you yesterday.

The community's documentation is exhaustive and voluminous with regard to the Stonegate project, including the continual lack of response from Paul Dawson.

Very truly yours,

Ira H. Buchalter, M.D.

7/31/2006

Peter A. Orner, M.D., Ph.D.

INTERNAL MEDICINE & BIOMECHANICS OF INJURY

Diplomate, American Board of Internal Medicine

Member, American College of Physicians

Member, American Society of Mechanical Engineers

Member, Society of Automotive Engineers

Clinical Professor of Medicine, University of California at San Diego

Former Professor of Mechanical Engineering, Case Western Reserve University

Shelter-in-Place: Health and Safety Issues II

to be presented to the Deer Springs Fire Protection District at meeting on 12 July 2006

Federal code 49 CFR 517.208 "Occupant crash protection," commonly known as FMVSS 208 (Federal Motor Vehicle Safety Standard) governs the safety of the vehicles we drive. Actual vehicles containing human surrogates, e.g., animals, human cadavers, or instrumented dummies, have been crashed into barriers, rolled over, etc. to determine by test the forces which would be experienced by occupants in real world motor vehicle accidents. The test protocols are highly standardized, and the test results must be within medically established "corridors" for the vehicle to be declared safe. Since 1971, every passenger vehicle has had to comply with the regularly updated FMVSS 208 standard in order to be sold in the United States. Because of FMVSS 208, you can reasonably expect that your passenger vehicle will truly be your "shelter-in-place" (SIP) in real-world collisions. In other words, after decades of research, the automotive version of SIP has been logically and unconditionally deployed to prevent vehicular injury and death.

There are no standards similar to FMVSS 208 for the occupants of a house in the wildland-urban-interface (WUI). Even if a house is "firewise," that does not guarantee that it will not burn, much less keep smoke and toxic gases out, and prevent the ambient temperature from dangerously rising. There has been no "crash testing" of complete houses containing instrumented human surrogates in real wildfires. There has been no human and animal testing to establish thermal, pulmonary, cardiac, metabolic, psychological, or human energy expenditure "corridors" for the occupants within. There has been no testing of elderly or debilitated humans to establish sensory and psychological stress "corridors" to ensure that these occupants within will not suffer psychological or medical injury. It is known that children and adolescents are vulnerable to serious psychological damage from merely being in the vicinity of a wildfire. It is an understatement to say that SIP needs further research. "Shelter-in-place" has a catchy ring, but is nowhere close to an unconditional standard for deployment to prevent WUI wildfire injury and death.

Shelter-in-Place - Health and Safety Issues II

Peter A. Orner, M.D., Ph.D.

Statistically and logically, SIP is most likely preferable to attempting to outrun a wildfire raging nearby, even if the "shelter" subsequently burns down. It is clearly better to roll the dice rather than face certain death. Anecdotal reports of individual WUI fires, from Australia for example, indicate that the vast majority of people who died in WUI fires died (futilely) attempting to flee the flames. However, it is apparently not known how many successfully fled, i.e., the percentage of non-early evacuees who survived. Whatever the case, it appears obvious that early evacuation to some "safe zone" of at least the subpopulation at risk (children, elderly, chronically ill, etc.) is preferable to late evacuation. SIP in firewise houses may be, for some able-bodied portion of the population, preferable to late evacuation. However, SIP is definitely inferior to early evacuation to some "safe zone" for the subpopulation at risk. Saying otherwise does not change that fact.

Unconditional use of an unproven methodology such as SIP would be called malpractice if ordered by a physician and the SIP occupant was injured or died. It would most certainly lead to liability and litigation. Please be advised that this is exactly what the Deer Springs Fire Protection District (DSFPD) and the Stonegate developers are doing. The human danger is real and evident. DSFPD, its Board, and the developers bear the liability.

Respectfully submitted

A handwritten signature in black ink, appearing to read "P. Orner, M.D., Ph.D.", with a stylized, cursive script.

Peter A. Orner, M.D., Ph.D.
Report//SIP-health&safety II.wpd

Stocks, William

From: Entihb@aol.com
Sent: Monday, July 10, 2006 9:31 PM
To: Dawson, Paul
Cc: Stocks, William
Subject: Stonegate/Merriam Mountain Fire Protection Plan

Dear Mr. Dawson,

For your information, I have included the link to an article appearing in the July 10th North County Times:

http://www.nctimes.com/articles/2006/07/10/news/inland/15_01_267_9_06.txt

I have not heard from you, although Bill Stocks wrote in his 7/6/2006 e-mail to me that he has asked the County Fire Protection Specialists to respond to my concerns. My concerns are the medical issues involved in "sheltering-in-place." If evacuation cannot be accomplished, then remaining in one's home during a fire has medical consequences and becomes a medical issue.

I telephoned you today and left a voice-mail. I have not received any reply. Please e-mail me at entihb@aol.com or call at 760.751.5353.

Ira H. Buchalter, M.D.

7/12/2006

From: Entihb@aol.com
Sent: Monday, July 10, 2006 9:31 PM
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Cc: Stocks, William
Subject: Stonegate/Merriam Mountain Fire Protection Plan

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Ira H. Buchalter, M.D.

7/12/2006

Steinhoff, Ralph E.

From: don oaks [donoaks@syv.com]
Sent: Friday, July 07, 2006 11:16 AM
To: Steinhoff, Ralph E.
Subject: sip response
Attachments: Fight or Flight 3.11.00.doc

Jim and Ralph,

Sorry I don't have more time to give you on this matter. It really is important and I would be happy to sit down with you at some future day and put together a better package, but right now I am simply inundated with deadlines. Below are my rough draft reactions to the two letters. Hope they are of value to your response. I would also appreciate it if you would copy me on the development of this issue. I might be able to be more help along the way.

Letter #1

I have a variety of degrees and credentials, including a doctorate in law, that do not increase the value of my opinion with respect to the issue under review. He suggests he is qualified by submitting his credentials, but those credentials are unrelated to the issue. He set himself up as a scientific observer, but then falls into rhetoric that exposed his unprofessional bias by using statements like, SIP could be suffer-in-place or succumb-in-place. In the courtroom the judge would say his comments were, "more prejudicial than probative".

The risk analysis is the same. Radiation, Chemical, Biological, and fire all create a hostile environment. They have the potential to injure and kill. SIP is an approach that decreases the likelihood of injury or death by arranging mitigation measure in the most effective way. The questions should relate to the effectiveness of the components of the fire protection mitigation measures employed.

Large scale tests haven't been done. One reason is the number of

variables associated with the issue being discussed. Imagine the number of facets of wildland fire that would be necessary to include in any large scale test for you to be able to draw conclusions from to apply to your project. The alternative is to have many small component tests that give us cumulative results that we can reasonably rely on and then package those results in such a way as to “fit” the design of the project that is presented to us. I sit on a number of ASTM committees and task groups that do just that. There is a large body of knowledge that has been developed over the years through this kind of testing. The standards, that have used to design the community as one that is reasonably safe to stay in during a wildfire in the immediate area, are a product of such testing.

PTSD would be even more of a problem if one were exposed directly to the view of the flames, the noise created by the fire storm, the impact on your skin, the flying embers and brands striking your skin and eyes. The difference is between being in a building and being on the roads when a fire arrives. No one is saying that everyone in the community “should” stay in their homes if you get information about a fire in the area. Children and the infirm, or anyone with some discomfort about staying should “relocate” if they have early warning and it is appropriate to do so. I would not characterize relocation as the same as evacuation. Evacuation suggests flight from an exigent circumstance. If you fall into the group described above, and have time to calmly pack the items that you need for a short stay with friends or relatives and drive to a location remote from the fire incident, you should probably do so. More often than not, evacuation is to flee in panic, with others similarly motivated, and to complete with those folks for the relatively (regardless of how wide they are or how many access routes) narrow egress conduits. Understanding the difference between relocation and evacuation is critical, and something not well understood by the general public, and unfortunately, by some emergency planners.

It is ironic that the Canberra fire quote (20% of children) is used in this context. The many Australian tests and studies are some of the strongest arguments for SIP. They point out the value of having folks stay is not just that they are safer than on the road but, in addition, they are typically instrumental in putting out the very small fires, that are often the result of flying embers that precede the fire, and remain after the larger fire has passed by. These small debris or "fuse" fires, if unattended, often burn down homes that were otherwise unaffected by the original fire. The homeowners in Malibu, California, made headlines several years ago by publicly recognizing this fact. Unfortunately it was after the incident. Too late smart.

Letter #2

Car crashes are cumulative and ongoing. The standard continues to evolve. This, after over 100 years of experience with the automobile. And that is what we are doing with the wildland-urban interface area (WUI). The testing, and resulting evolution of standards, in the WUI is accelerating, as with the automobile, and incorporating science and technology with our expanding experiential base. That is where SIP comes from.

He states, there are no unconditional standards for preventing wildfire injuries and deaths. Absolutely true. Certainly not the "run for your lives" approach that many would have us ascribe to.

(I have attached a copy of an article I did for Fire Chief Magazine a couple of years back, Fight or Flight, which criticizes the "run for your lives" approach.)

We are in agreement with the first few sentences on the top of page 2. Up until he starts drawing inappropriate assumptions and expressing unsubstantiated conclusions. Unconditional use of an unproven methodology may bring about claims of malpractice. But failure to test for and pursue new potentially effective mitigation alternatives is similarly malpractice. Two similar large scale hazmat incidents occurred at approximately the same time, some years back.

One was in the southeast U.S. and the other in Canada. Both Incident Commanders were sued and the court action paralleled one another as had the circumstances of the actual incidents. One for not calling for an evacuation. The other for calling for an evacuation. Both lawsuits failed. SIP is not "unconditional". SIP is a variety of mitigation measures. It is arranging and configuring them in the most effective way to, along with provisions for relocation and evacuation where appropriate, provide the optimum safety for the communities. Saying otherwise does not make it so.

Fight or Flight?

An argument for greater regulatory effort in support of "sheltering in place" for residential safety in urban-wildland interface areas.

by Don Oaks

February 20, 2000

Tough Questions

Fight or flight? When faced with the awesome destructive power of Mother Nature in the form of an advancing wildland/interface fire, what should the residents do? Should they stay in their homes and hope the fire will leap frog through the community and spare their particular house? Should they clamber to the roof with garden hose in hand in one final act of desperate futility? Should they rush outside and join a horde of other panic driven residents competing for space on roads that cannot possibly be made wide enough to guarantee safe evacuation? What do you, as a first responder to the event, tell them to do? What do you, as the incident Information Officer, tell the television reporters the residents should be doing? What do you, as the Fire Marshal or the Fire Chief, say during the incident and for many months afterward about what should have been done?

There is an old saying that I am particularly fond of. It goes, "Oh what tangled webs we weave, when first we practice to deceive". I find that line darkly fitting the present fire prevention conventional wisdom where the

focus is on evacuation. At a time when we have both the technique and the technology to safely build residences in what we loosely characterize as the I-zone, we apparently lack the wisdom or the will to do so. Instead, we prioritize multiple access/egress as part of a cookie cutter approach to fire protection planning in the urban-wildland interface areas and thereby educate, influence and deceive the public, the respective legislative bodies and the myriad other stakeholders. By our actions we communicate to them that their future fire safety is not a product of their survival in the homes we approve, or should approve for them, but rather their evacuation infrastructure and scheme.

I'm not suggesting that having more than one path in and out of a fire risk area is a bad thing. Multiple paths are beneficial. However, the value of a second path should not be for its contribution to egress but rather to access for first responders. And it should not be the first priority. Our message to the various constituencies should not be, "In case of fire RUN FOR YOUR LIVES!" Our message should be a combination of the statements made in two TV series. The first was in the opening moments of the older series, Six Million Dollar Man, where scientists and doctors rebuilt a gravely injured astronaut to superhuman performance attributes with high tech cybernetic implants. The statement was simply; "We have the technology". The second was the more recent, Star Trek Next Generation, where Captain Picard of the starship Enterprise simply commands, "Make it so".

Eyes of the Beholder

The statements above may seem overly simplistic and the metaphorical image may seem cavalier. The fact is we are at a critical juncture with respect to our influence on the future fire safety of our respective communities. We are still viewed as fire safety experts by most citizens and decision-makers. That view won't be maintained if a constantly more aware and observing population sees us continue to approve homes where the resident's safety is predicated on their ability to navigate a roadway filled with stalled, wrecked, driverless cars, other panicky people, horses and dogs. The October 1991, Oakland California, Berkeley Hills, "Tunnel" fire is a good example. The fire burned 1,600 acres. 25 people died. They didn't die in their homes. They died on the roads in a futile attempt to evacuate. On June 27, 1990, Santa Barbara County's "Paint" fire, then the most destructive fire in California history, burned 5,000 acres, 641 residences, and 15 businesses in a little over two hours. Santa Barbara County was intensely experienced in urban-wildland fires before the term became fashionable. They had been aggressive in mandating survivable development for several decades. The only person killed by fire was fleeing from her home. Her home survived. She did not.

Old Habits

Our influence in the planning and building process is a relatively recent development. That is part of our problem. Just a few short decades ago the role of the fire service was relegated to that of maintenance only. That is, our regulations applied only after the building was given an occupancy clearance. Our codes were often referred to as maintenance codes. Some of

them are still viewed as such. One of the reasons we focus on evacuation is habit. Habit developed during a time when that was all we were left with. Such is not the case today. We have been increasing our influence constantly and consistently over the last few decades. The factors that have contributed to this increase in influence are numerous; the improved training and education of the fire service, the influence of insurance companies and their various umbrella organizations, court decisions relating to liability of public officials, spiraling costs of fire related life and property loss, costs of maintaining a community fire suppression delivery system, and increasing public awareness and involvement.

Evolution

Ironically, those are the same factors that will erode our influence if we fail to perform in this arena with the techniques and technology now available.

During the early 1970's, the impact of the President's Commission on Fire Prevention and Control; standardization of communication and equipment, technology transfer, FIREScope, ICS, fire master planning and the subsequently published product of that commission, America Burning, was tremendous. The impact is still being felt today. The impact of today's efforts in Federal, state and local legislation, codes and code development process, built on a foundation of experience, testing, engineering, and advances in materials and systems, may well be similarly viewed in the not too distant future. But, as stated previously, we are at a critical juncture and our next moves may well make or break our current strengthening role in

the development of a fire safe community.

Tools of the Trade

A good example is the Urban-Wildland Interface Code, published by the International Fire Code Institute (IFCI). The UWI Code addresses a recognized need. It was developed by consensus, drawing experience and talent from throughout the fire service and from other disciplines. It underwent extensive peer review and is recognized nationally as a powerful platform for I-zone development. Unfortunately, the fire service is not using it. There is currently an amendment under review that expands the shelter-in-place element within the Code and provides graphics to depict the combination of mitigation measures appropriate in order to consider the option. This proposed amendment includes a shelter/evacuate decision tree (See Figure 1.) to be used both during an event as a go/no go device, and as a pre-event training and public education tool.

It seems, however, that the fire service is reluctant to adopt the complexity and sophistication of the approach embodied in the UWI Code. Is our only option to this complexity a second access and a vegetation management plan that probably won't be adequately maintained?

Another choice, and one related by reference to the IFCI, UWI Code, is now contained within the Uniform Fire Code (UFC). The 2000 edition includes a new Article (See description of Article 86 and supporting definitions and abbreviations, Figure 2.) which provides the fire chief the ability to achieve

conformance with a range of appropriate standards through the triggering and enabling device of a required Fire Protection Plan (FPP). The fire chief will be able to utilize, at his or her election, the extensive and detailed standards contained within a single published document such as the IFCI Urban-Wildland Interface Code, or a combination of one or more recognized standards or good practices customized to reflect a measured regulatory response to the problems posed by specific site developments.

Article 86 requires the developer to, in a single document, describe the risk and burden the proposed project will impose on the community, and particularly on the fire protection delivery system, and then describe the mitigation measures offered to offset such burden. It essentially creates a contractual obligation and commitment to fire protection and effectively transfers the majority of cost of analysis, research, application and component/system correlation to the private sector.

With such tools at our disposal we can make new residential development in the I-zone capable of supporting "shelter in place" or "safe to stay" programs. With the modeling, design, engineering and technological experience of recent years it can be accomplished aesthetically and cost effectively. We can begin to change the message we send to our respective communities.

An Informed Public

At the same time and on a parallel track we should be retooling our public

education and public information effort. Their message should distinguish between interior and exterior fire threats. People should continue to immediately exit a building that has a fire in its interior that puts them at risk, but not automatically exit a building when there is an exterior fire threat. Instead they should evaluate the relative risks. This public education effort will not be easy. It will appear to be inconsistent with the messages associated with our previous over-reliance on evacuation. It's difficult but can be accomplished. A good example is the change in the message of the icon Smokey Bear in the wake of Yellowstone.

Choices

An even larger hurdle will be providing the public with a method of determining whether to leave or stay in various situations. This particular hurdle may be overcome in a variety of ways. One approach would be to involve the fire department members, suppression and prevention, in house to house visits in order to pre-characterize the defensibility of a particular home. The California Department of Forestry and Fire Protection is currently presenting Professional Fire Safe Inspector Training classes developed for fire service personnel that focus on this specialized area. This characterization would obviously be conservative. It, would, additionally, have a number of side benefits. It would be an opportunity to show the residents that you were willing to go out of your way to provide extra service to them. It would underscore your specialized knowledge and appreciation for their specific risk. Possibly the biggest value would be in explaining why their home would not be defensible and recommendations

as to what could be done to improve that circumstance.

Recommendations

The most common recommendation would be to remove native and ornamental vegetation sufficient to break up the continuity of such fuels and thereby reduce overall heat production potential in close proximity to the home. Other recommendations could include: teaming up with neighbors to accomplish vegetative fuels reduction and separation on common areas and bordering property; reroofing with appropriately rated materials; eliminating or protecting vents, gutters and downspouts, eaves, etc.; removal or protection of structural features, such as decks, fences, patio covers, gazebos, and awnings, that could act as fuses or ladders bringing excessive heat or direct flame impingement to the home; installing tempered glass windows or shutters; modifying gates, fences and landscaping in order to provide firefighting access around the home, particularly on the down slope side; having appropriate clothing and tools readily accessible; separating combustibles such as firewood and patio furniture from the home; and putting together an written wildfire emergency action plan that includes communication, maintenance, review and training with respect to utilizing auxiliary power sources, control of effectively filtered heating and air conditioning systems, access to water sources such as separate tanks and swimming pools.

The Message

The new message, a combination of what we say and what we do, should be

one that ultimately educates and builds confidence. The residents in urban-wildland interface areas should be able to have confidence in their fire service and, more particularly, in the homes we have approved for them.

The questions framed in the opening paragraph of this article cannot be reasonably answered out of context. All homes cannot be made fire safe. Emotional and physical disabilities may make certain individuals not a good prospect for staying in a fire threatened home even though it would be safe for the typical resident. The time available to make decisions with respect to staying or leaving is a significant factor. If you have sufficient time to deliberate, organize, pack your things, and travel to a safe destination without becoming involved with panic on the roadways, it may be appropriate to do so. But that is not evacuation. That is simply relocation. The distinction between relocation and evacuation is a product of the nature of the home, the fire and the individual. As fire chiefs and fire marshals we can influence all three elements of the equation.

Tough Answers

The questions in the opening paragraph do not have yes/no, black/white, always/never answers now nor will they have such answers in the future. However, if today's fire marshals and fire chiefs accept the responsibility, utilize the techniques and technologies available and wield the influence at their disposal, the answers will be much easier to apprehend in the future.

Franci Mountain

28993 Mountain Meadow Rd.
Escondido, CA 92026

RECEIVED

JUL 11 2006

San Diego County
DEPT. OF PLANNING & LAND USE

July 7, 2006

William Stocks
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92026

Re: SP04-006, etc. Merriam Mountains

Dear Mr. Stocks:

I continue to be very concerned about the traffic that would be generated by the proposed Merriam Mountain Project on Deer Springs Road at Interstate 15. A great deal of study has been done regarding the affect that the project would have on Deer Springs Rd. and the adjacent freeway interchange. It is my understanding that even if the road was improved to four lanes, the Level of Service would remain an "F", even if this project is never built.

I don't believe anyone has ever analyzed the impact of traffic within the development, especially during morning and evening rush. Although I am not a traffic engineer by trade, I did take statistics classes in college and have applied rudimentary formulas to the expected traffic generated by this project. This analysis has been kept non technical so that an average person would not have any difficulty understanding the reasoning.

Further, while my analysis is based upon reasonable assumptions, the conclusion still holds even if those assumptions would vary significantly in the real world.

This analysis concludes that, given the number of residences proposed, this project is not feasible without monumental enhancements to the supporting roadway infrastructure.

I look forward to any questions you might have.

Sincerely,



Thomas J Franci

Merriam Mountains Traffic Analysis

Executive Summary

Traffic in and out of the Merriam Mountains Development has not been afforded the attention that it deserves. This analysis considers both morning and evening commutes and difficulties of moving traffic from and to the project. The appendix includes detailed assumptions used in this analysis. Note that even if these assumptions are not perfectly accurate, this traffic analysis remains a serious topic for discussion.

Primary Analysis Assumptions

There will be 2,700 dwellings with an average of 2 vehicles/drivers each. Traffic signals at both project exits onto Deer Springs Road, Merriam Mountains Parkway and Meadow Park Lane, are programmed to allocate up to 25% of their cycle to these departures and each vehicle requires two seconds to clear the intersection.

Traffic to and from the project flows in the opposite direction of traffic on Deer Springs Rd. During the AM rush, project traffic turning east on Deer Springs is in direct conflict with commuter traffic going westbound hence the rate of service is only 25%. During PM rush, project traffic from I-15 turning west on Deer Springs is in direct conflict with commuter traffic going eastbound hence the rate of service is only 25%.

Existing traffic control signals at Interstate 15 (2), Mesa Rock Rd., and Champagne Blvd. (pending), would need to be reprogrammed to compensate for the added traffic from this project. It is anticipated that the capacity of this signalization to adequately move both existing and expanded traffic would be over whelmed. The frustration levels of drivers from outside of the project would result in disorderly responses.

There is no traffic signal at the third exit onto Lawrence Welk Drive and at Champagne Blvd. hence it will require 15 seconds for each vehicle to exit the project.

A.M. Scenario #1 – Drivers use closest exit to their home

The majority of the morning departures will be traveling south on Interstate 15 to work or school during the hours of 6:30am to 8:30am.

Merriam Mountains Parkway Exit

Arrival rate is 27 vehicles per minute (3,300 over 2 hours)

Service rate is 8 vehicles per minute

Deficit (backup) at selected times:

6:30 am – 0

6:31 am – 19

6:32 am – 38

7:30 am – 1,140

8:30 am – 2,280

Meadow Park Lane Exit

Arrival rate is 17 vehicles per minute (2,000 over 2 hours)

Service rate is 8 vehicles per minute

Deficit (backup) at selected times:

6:30 am – 0

6:31 am – 9

6:32 am – 18

7:30 am – 540

8:30 am – 1,080

Lawrence Welk Drive Exit

Arrival rate is 1 vehicle per minute (100 over 2 hours)

Service rate is 4 vehicles per minute

No Deficit (backup)

Conclusion

This is an untenable situation. Road rage takes over at the eastern exit with drivers running red lights, traveling west on Deer Springs Rd. to Route 78 and then back east to Interstate 15 creating even more congestion on Twin Oaks Valley Rd. and the 78 freeway.

A.M. Scenario #2 – Drivers shift to another exit so that wait time is equalized

The majority of the morning departures will be traveling south on Interstate 15 to work or school during the hours of 6:30am to 8:30am. This scenario assumes that drivers perfectly choose the exit with the least amount of wait time.

Merriam Mountains Parkway Exit

Arrival rate is 18 vehicles per minute

Service rate is 8 vehicles per minute

Deficit (backup) at selected times:

6:30 am – 0

6:31 am – 10

6:32 am – 20

7:30 am – 1,200

8:30 am – 2,400

Meadow Park Lane Exit

Arrival rate is 18 vehicles per minute

Service rate is 8 vehicles per minute

Deficit (backup) at selected times:

6:30 am – 0

6:31 am – 10

6:32 am – 20

7:30 am – 1,200

8:30 am – 2,400

Lawrence Welk Drive Exit

Arrival rate is 9 vehicles per minute

Service rate is 4 vehicles per minute

Deficit (backup) at selected times:

6:30 am – 0

6:31 am – 5

6:32 am – 10

7:30 am – 300

8:30 am – 600

Conclusion

This too is an untenable situation. Road rage takes over at all exits with drivers running red lights, traveling west on Deer Springs Rd. to Route 78 and then back east to Interstate 15 creating even more congestion on Twin Oaks Valley Rd. and the 78 freeway. Increased traffic exiting on Lawrence Welk Drive (northern exit) will cause congestion at Champagne Blvd. with or without a traffic signal. Potential for high speed collisions escalates.

P.M. Scenario

The majority of the evening arrivals (5,000) will be traveling north on Interstate 15 from work, school, or shopping during the hours of 4:00pm to 6:00pm. The other 400 arrivals enter from other directions and are not impeded.

Interstate 15 Exit

Arrival rate is 42 vehicles per minute (5,000 over 2 hours)

Service rate is 8 vehicles per minute (25% of cycle, 2 seconds per vehicle)

Deficit (backup) at selected times:

4:00 pm – 0

4:01 pm – 34

4:02 pm – 68

5:00 pm – 2,040

6:00 pm – 4,080

Conclusion

This is an untenable situation. Freeway exit backup would cause entire freeway to shut down. Road rage takes over with drivers running red lights, traveling east on Mountain Meadow Rd. then making an immediate U-Turn. Alternatively, many drivers would travel west on Route 78 and then north on Twin Oaks Valley Rd. to the project. Additionally, many drivers would continue north to Gopher Canyon Rd. and head south to Lawrence Welk Drive. All alternative routes would be jammed.

Alternative Solutions

Based upon this traffic analysis, approval of the Merriam Mountains Project without modification will create untenable situations and would be irresponsible. However, there are two viable alternatives to the existing plan.

Alternative One: Limit the number of dwellings

Based upon a limitation of 8 vehicles per minute traffic signal service rate, approximately 1,000 vehicles can be serviced during both A.M. and P.M. rush. This would suggest that only 500 residences can be supported. The affect on Interstate 15 would be minimal and the impact on Deer Springs Road would be mitigated with an already proposed widening to four lanes.

Alternative Two: Construct a new freeway interchange

A new freeway interchange with ramps leading directly into the Merriam Mountains Development would not be controlled by traffic signals thus insuring free flowing traffic. The full interchange would be located approximately one mile north of Deer Springs Road and would include four ramps for both northbound and southbound project traffic. Service to Champagne Blvd. is not specified but could be accommodated. Traffic flow within the project would be very heavy between the interchange and the residences but the adverse affects on Deer Springs Rd. and its interchange with Interstate 15 would be mitigated.

A.M. Scenario - Drivers migrate to the closest and quickest exit.

Merriam Mountains Parkway Exit

Arrival rate is 8 vehicles per minute (1,000 over 2 hours)

Service rate is 8 vehicles per minute

No Deficit (backup)

Meadow Park Lane Exit

Arrival rate is 8 vehicles per minute (1,000 over 2 hours)

Service rate is 8 vehicles per minute

No Deficit (backup)

Lawrence Welk Drive Exit

Arrival rate is 1 vehicle per minute (100 over 2 hours)

Service rate is 4 vehicles per minute

No Deficit (backup)

Freeway Entrance

Arrival rate is 28 vehicles per minute (3,300 over 2 hours)

Service rate is 40 vehicles per minute

No Deficit (backup)

Conclusion

This alternative provides for orderly traffic flow in and out of the project. However, the affect on Interstate 15 is significant. Current morning backup begins at El Norte Rd. The added traffic of some 5,000 vehicles may be offset by fewer cars from Riverside County. However, it is presumed that increase of 42 additional vehicles every minute would extend the backup at least a mile or two north.

P.M. Scenario

Dedicated Interstate 15 Exit

Arrival rate is 34 vehicles per minute (4,000 over 2 hours)

Service rate is 40 vehicles per minute (100% of cycle, 1.5 seconds per vehicle)
No Deficit (backup)

Interstate 15 Exit at Deer Springs Rd.

Arrival rate is 8 vehicles per minute (1,000 over 2 hours)
Service rate is 8 vehicles per minute (25% of cycle, 2 seconds per vehicle)
No Deficit (backup)

Recommendation

Due to the incredible impact on project and area roadways, it is recommended that the project be limited to a total of 500 dwellings. Further, the developer should be required widen Deer Springs Rd. to four lanes from Champagne Blvd. to beyond the intersection of Twin Oaks Rd. and Cassou Rd. in order to join with the existing four lane configuration of Twin Oaks Rd. Finally, the developer should be required to install a traffic signal at the intersection of Lawrence Welk Drive and Champagne Blvd. due to the number of additional trips using that exit.

Prepared By

Thomas J Franci
28993 Mountain Meadow Rd.
Escondido, CA 92026
July 7, 2006

Appendix - Analysis Assumptions

2,700 dwellings with an average of 2 vehicles/drivers each
1,650 residences are located closer to the main (eastern) project entrance
5,400 morning rush departures from the project
5,400 evening rush arrivals into the project

Actual traffic counts of vehicles exiting northbound I-15 at Deer Springs Rd. during PM rush permitted 4 to 9 cars to make a left turn through the signal but were afforded only 15 seconds out of a 75 second cycle. The equates to 3 to 7 cars per minute.

Departures from the project leave for work, school, and other errands during AM rush

Morning rush is from 6:30am through 8:30am
Evening rush is from 4:00pm through 6:00pm

Traffic signals at each of the two entrances on Deer Springs Road are computer controlled and would afford departures an average of only 25% of the cycle because of the greater amount of through traffic on Deer Springs Rd.

Each vehicle requires 2 seconds to clear a controlled intersection and 15 seconds to clear an uncontrolled intersection

Deer Springs Rd. is currently rated at Level of Service F and is expected to maintain that level even if it is widened to four lanes. Deer Springs Rd. is widened to 4 lanes plus left turn lanes and right turn pockets.

Loy, Maggie A

From: Stocks, William
Sent: Thursday, July 06, 2006 4:32 PM
To: Loy, Maggie A
Subject: FW: Stonegate/Merriam Mountains Health and Safety Issues (Fire Protection Plan)
Attachments: chiefhunter063006.doc; FPP062706a.doc

I'm forwarding to you more on the Shelter in Place (SIP) issue.

Bill.

From: Entihb@aol.com [mailto:Entihb@aol.com]
Sent: Wednesday, July 05, 2006 3:06 PM
To: Stocks, William
Cc: Martinez, Nicholas A; Dawson, Paul; Pryor, Gary L; Russell, Glenn S
Subject: RE: Stonegate/Merriam Mountains Health and Safety Issues (Fire Protection Plan)

IRA H. BUCHALTER, M.D., B.Ch.E.

Escondido CA 92026
760.751.5353
entihb@aol.com

July 5, 2006

RE: Risks to health and safety posed by the fire dangers of the Stonegate/Merriam Mountains development proposal

Dear Mr. Stocks:

Thank you for your response.

I have confirmed my assumptions that infants, young children, the elderly and people who are medically compromised would be at grave risk during a Merriam Mountain fire. The Australian experience with "shelter-in-place" (SIP) mandates evacuation for these groups when SIP is attempted. Fire Chief Cliff Hunter (from the Rancho Santa Fe SIP program) in his community presentation delivered on June 30, 2006 stated that smoke inhalation could not be avoided when SIP is used. He also concurred that early evacuation of all at-risk groups is necessary and that the chance to evacuate must be provided (see attached excerpts of Chief Hunter's remarks; entire presentation videotaped by the community).

It is statistically certain that some of the 2,700 homes built with "firewise" construction will burn (an open or shattered window, radiant heat causing drapes to burn in an unoccupied house, etc). This can convert a wildland fire to an urban fire engulfing occupied attached, semi-attached condos and 3-story apartments. On lots as small as 45 feet in width, the unattached homes that will burn will cause neighboring houses to burn. There will be dense smoke and it will be taking place in the midst of an aggressive wildland fire, with limited and blocked access and egress. Given the extreme speed of the fire as predicted by CDF, there will also be clogged, smoke-filled roads, especially during a worst-case scenario of a high traffic period. The morbidity and mortality associated with such a situation will be extremely high.

The answer to the extreme fire danger is timely evacuation. Stonegate's Fire Protection Plan (see attached), however, states that evacuation is not possible in a fire starting within Merriam Mountain, given the predicted

10/24/2006

speed and intensity of the fire which will be fueled by the dense, 100-year-old vegetation and tinder within the protected biological space that surrounds and adjoins the project.

The problem with this particular development is that land use needs, conservation requirements, and health and fire-safety issues collide. Only two of the above three can be satisfied. The health and fire safety issues are of paramount importance and cannot be ignored.

I would be most interested in hearing from you how the safety of the residents of Merriam Mountain can be assured in a "Fire Condition One"(described on page 4 of Stonegate's attached "Conceptual Wildfire Life Safety & Sheltering Plan"), given the predicted intensity and speed of the fire and the density and location of the population.

The information I have given you is now being widely disseminated in order that responsibility for inappropriate authorization of an extremely dangerous development proposal will be well-publicized.

Very truly yours,

Ira H. Buchalter, M.D.

Attachments:

- (1) Remarks by Rancho Santa Fe Fire Chief Cliff Hunter (Community Presentation on June 30, 2006)
- (2) "Conceptual Wildfire Life Safety & Sheltering Plan" (draft dated 06/06/06) prepared for Stonegate's Merriam Mountains Development, developed by The Kelly Day Group, Inc.

10/24/2006

Scott E. Franklin
International Consultant
Urban Wildland Fire Management
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Santa Clarita, CA 91321
(661) 254-2376
fax (661) 254-2376
email Scott@Fireconsult.net
web page: www.fireconsult.net

July 5, 2006

Re: Shelter-in-Place: Health and Safety Issues Place II

Dr. Omer is confused regarding regulations concerning structural safety in the wildland Urban Interface.

First and foremost, structural survivability has little relationship between secondary access and personal safety.

There is research from the USDA-Forest Service (J. Cohen, R. Conrad, et al ;) that quantify heat flux on structures as well as minimum standards for fuel breaks.

Cohen found that 140 meters was adequate spacing to protect a structure from convective and radiated heat, excluding high wind. Conrad found that minimum fuel break width, in heavy chaparral, should be a minimum of 300', to prevent blistering from heat.

The USDA-Forest Service conducted tests in 1990 to determine PM 10 levels in burning chaparral(C. Hardy).

Flame length, flame residency time, scorch height and energy release are readily available through the BEHAVE Fire Prediction System.

Numerous jurisdictions (L.A. County, Santa Barbara County), are allowing sheltering in place, under specific quantifiable conditions. The largest, Pepperdine University has a demonstrated record of SIP involving 3 major wildfires, dating back to 1985. The University resides within a designated "Historic wildfire" corridor at the mouth of Malibu Cyn, in the community of Malibu, with off-shore Santa Ana winds exceeding 90 mph... Most recently, a school was approved in the Agoura Hills area of Los Angeles County, with SIP as its primary approach, when high wind drive fire (50mph plus) would impact the school.

As the Doctor states, statistically and logically SIP is "preferable to attempting to out run a wildfire".

In fact, in all the recent wildfires, dating back through 1993, all deaths have been attributed to residents attempting to flee the fire, through a secondary access road. Livestock mortality, while not quantifiable, has been significant under the same conditions.

A major consideration for survival in the wildland urban interface is to provide a "Safe area" for people as well as live stock. A safe area may be preferable to a secondary access, if the access is through heavy chaparral. All of this, contrary to the Doctors dissertation, may be calculated employing the BEHAVE system, display fuel load, rate of

spread and flame length. Fire professionals are using this method on a daily basis to predict the rate of spread and energy release of wildfires.

Structural survival in the WUI has increased dramatically since the late 1980's.

Wood roofing is banned; specific structural safeguards are required, including double pane windows, boxed eaves and within certain communities, sprinklered homes, specific building material requirements, etc. Loss of structures built since 1990, from wildland fire is minimal. Loss of structures built prior to 1990 is where the loss is occurring.

Structures that are protected by fuel management zones are not being lost. The 2003 Valverde-Simi fire in Los Angeles-Ventura counties suffered no habitable structural loss, only unprotected out buildings.

Dr. Orner advocates "early evacuation". Every Fire agency in California advocates early evacuation. The problem is that in high wind driven wildfires, early notification to evacuate may not be possible and or practicable.

The county of San Diego, through DPLU, is presently attempting to insure that structures are fire safe through:

- Adequate, verifiable brush/fuel clearance, related to the fuel load.
- Structure components including Fire sprinkler systems, dual pane windows, protected eaves and porches.
- Thorough review of all catastrophic wildfire threat
- Adequate assessment of safety for life and property.

Dr. Orner raises the question of "psychological" or "medical" damage to children or the elderly, from exposure to wildland fire. This question should be refereed to the parents and or guardians of Dr. Orner's threatened clientele, regarding their residency status and capability.

Dr. Orner raises some questions that should be of a concern to DPLU. However, the questions Dr. Orner poses regarding structural survivability have all been addressed through the Uniform Building Standards Code as well as the by the State of California under the Public Resources Code.

I would welcome the opportunity to meet with Dr. Orner and discuss the merits of "Sheltering in Place" and secondary access catastrophic wildfire survival, particularly as it relates to San Diego County.

Sincerely,

Scott E. Franklin
International Consultant
Urban-Wildland Fire Management
51 years of wildfire experience
16 years as a Wildfire Consultant
www.fireconsult.net

FAX COMMUNICATION

RECEIVED

JUL 06 2006

San Diego County
DEPT. OF PLANNING & LAND USE

TO: William Stocks
FAX: 858.694.3591

DATE: July 5, 2006

FROM: Ira H. Buchalter, M.D., B.Ch.E.
760.751.5353
entihb@aol.com

OF PAGES: 8 (including cover sheet)

RE: Health and Safety Issues Posed by Stonegate/Merriam Mountains Fire
Protection Plan

IRA H. BUCHALTER, M.D., B.Ch.E.

Escondido CA 92026

760.751.5353

entihb@aol.com

July 5, 2006

RE: Risks to health and safety posed by the fire dangers of the Stonegate/Merriam Mountains development proposal

Dear Mr. Stocks:

VIA FAX: 858-694-3591

Thank you for your response.

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It is statistically certain that some of the 2,700 homes built with "firewise" construction will burn (an open or shattered window, radiant heat causing drapes to burn in an unoccupied house, etc). This can convert a wildland fire to an urban fire engulfing occupied attached, semi-attached condos and 3-story apartments. On lots as small as 45 feet in width, the unattached homes that will burn will cause neighboring houses to burn. There will be dense smoke and it will be taking place in the midst of an aggressive wildland fire, with limited and blocked access and egress. Given the extreme speed of the fire as predicted by CDF, there will also be clogged, smoke-filled, especially during a worst-case scenario of a high traffic period. The morbidity and mortality associated with such a situation will be extremely high.

The answer to the extreme fire danger is timely evacuation. Stonegate's Fire Protection Plan (see attached), however, states that evacuation is not possible in a fire starting within Merriam Mountain, given the predicted speed and intensity of the fire which will be fueled by the dense, 100-year-old vegetation and tinder within the protected biological space that surrounds and adjoins the project.

The problem in this particular instance is that land use needs, conservation requirements, and health and fire-safety issues collide. Only two of the above three can be satisfied. The health and fire safety issues are of paramount importance and cannot be ignored.

I would be most interested in hearing from you how the safety of the residents of Merriam Mountain can be assured in a "Fire Condition One" (described on page 4 of Stonegate's attached "Conceptual Wildfire Life Safety & Sheltering Plan"), given the predicted intensity and speed of the fire and the density and location of the population.

The information I have given you is now being widely disseminated in order that responsibility for inappropriate authorization of an extremely dangerous development proposal will be well-publicized.

Very truly yours,

Ira H. Buchalter, M.D.

Attachments

- (1) Remarks by Rancho Santa Fe Fire Chief Cliff Hunter (Community Presentation on June 30, 2006)
- (2) "Conceptual Wildfire Life Safety & Sheltering Plan" (draft dated 06/06/06) prepared for Stonegate's Merriam Mountains Development, developed by The Kelly Day Group, Inc.

**Comments made by Rancho Santa Fe Fire Chief Cliff Hunter
during his Community Presentation on "Shelter-in-Place"**

June 30, 2006

(videotaped by the community)

- "My recommendation for you if you have a health problem, you evacuate and you get out early. I do not want you to stay in your structure."
- "If you have a health problem, smoke will be a problem."
- "Windows can fail because they can break. Short bursts of hurricane-force winds [which occur during firestorms] could cause windows to break very easily."
- "Radiant convection heat from fire can set your drapes on fire."
- "The temperature in a wildfire reaches 1400 degrees. Fire-wise houses are ignition resistant, not fire-proof."
- "The temperature reaches 1200 to 1400 degrees for up to 15 minutes."
- [In response to the statement: "The Fire Protection Plan should have the potential to evacuate in an efficient fashion to save the lives of the elderly, those with chronic disease, children, medically compromised"] Answer: "I agree with you."
- "[SIP] is not the answer to a project."
- "I don't want you to die in your house from either smoke or fire."
- "If you are uncomfortable with staying in place, I want you to leave. We always give you a chance to evacuate."
- "Out of the 22 homeowner's groups I've met and given this presentation to, most of the people are going to leave and they are going to leave early. They are not going to stick around."

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June 6, 2006

Conceptual Wildfire Life Safety & Sheltering Plan

Prepared for

**Stonegate's Merriam Mountains Development
San Diego County, California**

Developed by
The Kelly Day Group, Inc.
P.O. Box 19039
Sacramento, California 95819
916.452.3701

DRAFT

DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT
June 6, 2006

Part I - Introduction

The Merriam Mountain Development is located in the unincorporated area of San Diego County that is north of the cities of Escondido and San Marcos and has a general boundary area of 1-15 on the east, Deer Springs Road on the south, Twin Oaks Valley Road on the west and Gopher Canyon Road on the north. Structural fire protection is provided by the Deer Springs Fire Protection District and the wildland fire protection is provided by the California Department of Forestry and Fire Protection under the provisions of the California Health and Safety Code and the California Public Resources Code.

The Merriam Mountain Development is located in a geographic area classified by the California Department of Forestry and Fire Protection as a "High Fire Hazard Severity Zone in accordance with Sections 4201-4204 of the California Public Resources Code. Due to the identification of this development's location, it is imperative it incorporates recognized design and construction standards to provide for a fire safe community to withstand the threat and impact of a wildfire. As part of the approval process for the development of a new community, a basic requirement is set forth by the fire protection authority to develop a written Fire Protection Plan. As part of the overall Fire Protection Plan, it is imperative that it includes a specific component identifying the approach for the life safety and sheltering of the residents during a wildfire incident. Furthermore, the development and implementation of a Wildfire Life Safety and Sheltering Plan provides a significant planning tool for the fire department and law enforcement in terms of resource allocation during a wildfire incident.

For more than 50 years, California's fire experience involving urban-wildland interface zones has clearly identified that when extreme weather conditions are coupled with multiple fire incidents, the resources of the fire and law enforcement agencies are often overtaxed placing people's lives and property in jeopardy.

As a result, the fire service community and planners have recognized that they must look at alternate means of providing life safety and fire protection for those communities located in the urban-wildland interface zones. The use of computer generated fire modeling programs and the development of specific wildland fire scenarios has provided the tools and knowledge required to implement specific construction standards along with design fuel modification and vegetation management programs to reduce and/or eliminate the fire threat to planned communities without requiring substantial levels of intervention by fire suppression/law enforcement personnel and equipment.

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June 6, 2006

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In addition to the planning and design components involved in developing a fire safe community, fire officials have continued to identify a series of problems and hazards associated with evacuations of expansive areas during major wildfire incidents. Unfortunately, numerous fire deaths and injuries have occurred over the past few years during evacuation attempts.

It is clearly recognized that basic human behavior creates a multitude of problems for fire and law enforcement personnel during extreme emergencies. All too often, changing conditions preclude a timely notification to allow for an orderly and safe evacuation or situations are compounded by the public either waiting too long to evacuate or refusing to evacuate at all. In either situation, the risk level is increased to an unacceptable level as it increases the demand on valuable resources and jeopardizes too many lives. Wildfire conditions often require a decision to make a fire attack rather than attempting to accomplish an evacuation leaving the public at risk. In response to this situation, many fire officials have come to recognize the benefits of designing a fire safe community that includes sheltering in place or in some cases providing for minor relocations within the community as this concept benefits all and avoids a system failure. In fact, during the 2003 Cedar Fire (San Diego County), CDF Chief's Ray Channey and Bill Clayton both used their knowledge and experience to save what has been described as hundreds of lives by ordering two large groups of people to shelter in place rather than subjecting them to the hazards of attempting to outrun a wildfire. San Diego County and CDF officials are currently wrestling with the challenge of determining whether an evacuation is worth trying. According to Deborah Steffen, San Diego County's Director of Emergency Services "If you look at our freeways in the afternoon and think about trying to put 3 million people on the road at one time,... it just wouldn't be practical" when speaking about the development of large scale evacuations.

Part II - Merriam Mountains Development Wildfire Life Safety and Sheltering Plan

In contrast to existing areas within the Deer Springs Fire Protection District that have been developed without benefit of today's fire safe standards, planned fire safe communities incorporate features that eliminate or significantly reduces many of the fire protection issues identified in past wildland fires involving the urban-wildland interface zone. There are currently five (5) designated "Shelter In Place Communities" within the Rancho Santa Fe Fire Protection District in San Diego County which have incorporated similar fire safe designs to those proposed for the Merriam Mountains Development. In fact, the fire safe conditions that exist in the communities of 4S Ranch, The Bridges, Cielo, The Crosby and Santa Fe Valley have resulted in a directive from the fire department for the residents to not evacuate and to remain sheltered in their homes during wildfire incidents.

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June 6, 2006

In common with the aforementioned "Shelter in Place Communities", the Merriam Mountains Development incorporates fire resistive construction including fire resistant roof coverings, residential fire sprinklers, fire resistive landscaping and a managed fuel modification program, adequate roadways to serve two way traffic and large firefighting apparatus and has the benefit of fire stations staffed by full-time personnel within a five minute response time. The development will also incorporate and participate in early emergency notification programs.

The Merriam Mountain Development Wildfire Life Safety and Sheltering Plan is based on a series of components that incorporates the findings from on-site inspections, fire prediction computer modeling (BEHAVE), the related wildland fire scenarios developed by the California Department of Forestry & Fire Protection, a review of the available fire suppression capabilities, evacuation routes and the design principles incorporated into the development plan. The development of this Wildfire Life Safety and Sheltering Plan has also taken into consideration the avoidance of directing residents to evacuate through inherently dangerous fire prone areas using alternate evacuation routes. As part of the development, emergency escape routes will be signed in accordance with the standards adopted by the Deer Springs Fire Protection District to direct residents and visitors to the pre-identified evacuation routes. Furthermore, the plan reduces the potential for impacting the adjoining roadways and highway in the event an area wide evacuation became necessary. The last factor is the establishment of the Homeowner's Association which will have the authority and the resources to maintain a fire safety educational program based on the overall Fire Protection Plan developed for this specific community including the issuance of an Emergency Fire Safety Procedures Manual in conjunction with the Deer Springs Fire Protection District. Under this concept the Emergency Fire Safety Procedures Manual is proposed to be similar to the copyrighted documents published by the Rancho Santa Fe Fire Protection District as shown in Exhibit A.

In the event wildfire conditions threaten the development, this plan outlines two distinct fire conditions which will dictate the actions of the residents based on the time elements, health considerations and overall general public safety.

Fire Condition One:

The plan under Fire Condition One becomes operational when a wildfire is reported in the open space within the development's boundaries or immediately adjacent properties. Under Fire Condition One, there is not adequate time or the resources to provide for an orderly and successful evacuation based on the CDF fire scenarios which predict an extreme rate of burning. During these fire conditions it is the intent of this plan to use the "Shelter In Place" concept with pre-instructed residents remaining inside their homes until the fire front has passed reducing the inherent risk of attempting to out run the fire. Resident notification will occur through the use of the community installed sirens which will be activated by the Deer Springs FPD upon receipt of an alarm for a pending fire emergency.

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June 6, 2006

Actions to be taken by the homeowners are:

- . Close all windows and doors
- . Open all curtains and draperies beyond the window
- . Shut off the heating/air conditioning system.
- . Move combustible exterior patio furniture away the house.
- . Make sure the garden hoses are pre-connected and ready for use after the fire front has passed.

Additional warnings and follow-up instructions will be provided through the San Diego County Reverse 911 System and the local news media based on information received from the San Diego County Sheriff's Office and the Deer Springs Fire Protection District.

Fire Condition Two:

Fire Condition Two becomes operational when wildland fires occur in the general area and are predicted to spread without the potential for containment and/or smoke conditions represent a significant health problem. The County of San Diego's Reverse 911 System, law enforcement and other media systems are implemented to advise residents to evacuate to a pre-identified location following the specific evacuation routes. Under this condition, time sequences must be such that an orderly evacuation can be accomplished with private vehicles using the pre-determined evacuation routes leading to public safe areas or to adjacent surface streets and/or 1-15. The key to a successful evacuation is the ability for the residents to evacuate without placing them at risk from an approaching fire. Upon notification by the Deer Springs Fire Protection District, media broadcasts will be used to inform those displaced when it is safe to return.

Stocks, William

From: Entihb@aol.com
Sent: Wednesday, July 05, 2006 3:06 PM
To: Stocks, William
Cc: Martinez, Nicholas A; Dawson, Paul; Pryor, Gary L; Russell, Glenn S
Subject: RE: Stonegate/Merriam Mountains Health and Safety Issues (Fire Protection Plan)
Attachments: chiefhunter063006.doc; FPP062706a.doc

IRA H. BUCHALTER, M.D., B.Ch.E.

Escondido CA 92026

760.751.5353

entihb@aol.com

July 5, 2006

RE: Risks to health and safety posed by the fire dangers of the Stonegate/Merriam Mountains development proposal

Dear Mr. Stocks:

Thank you for your response.

I have confirmed my assumptions that infants, young children, the elderly and people who are medically compromised would be at grave risk during a Merriam Mountain fire. The Australian experience with "shelter-in-place" (SIP) mandates evacuation for these groups when SIP is attempted. Fire Chief Cliff Hunter (from the Rancho Santa Fe SIP program) in his community presentation delivered on June 30, 2006 stated that smoke inhalation could not be avoided when SIP is used. He also concurred that early evacuation of all at-risk groups is necessary and that the chance to evacuate must be provided (see attached excerpts of Chief Hunter's remarks; entire presentation videotaped by the community).

It is statistically certain that some of the 2,700 homes built with "firewise" construction will burn (an open or shattered window, radiant heat causing drapes to burn in an unoccupied house, etc). This can convert a wildland fire to an urban fire engulfing occupied attached, semi-attached condos and 3-story apartments. On lots as small as 45 feet in width, the unattached homes that will burn will cause neighboring houses to burn. There will be dense smoke and it will be taking place in the midst of an aggressive wildland fire, with limited and blocked access and egress. Given the extreme speed of the fire as predicted by CDF, there will also be clogged, smoke-filled roads, especially during a worst-case scenario of a high traffic period. The morbidity and mortality associated with such a situation will be extremely high.

The answer to the extreme fire danger is timely evacuation. Stonegate's Fire Protection Plan (see attached), however, states that evacuation is not possible in a fire starting within Merriam Mountain, given the predicted speed and intensity of the fire which will be fueled by the dense, 100-year-old vegetation and tinder within the protected biological space that surrounds and adjoins the project.

The problem with this particular development is that land use needs, conservation requirements, and health and fire-safety issues collide. Only two of the above three can be satisfied. The health and fire safety issues are of paramount importance and cannot be ignored.

I would be most interested in hearing from you how the safety of the residents of Merriam Mountain can be assured in a "Fire Condition One" (described on page 4 of Stonegate's attached "Conceptual Wildfire Life Safety & Sheltering Plan"), given the predicted intensity and speed of the fire and the density and location of

7/6/2006

the population.

The information I have given you is now being widely disseminated in order that responsibility for inappropriate authorization of an extremely dangerous development proposal will be well-publicized.

Very truly yours,

Ira H. Buchalter, M.D.

Attachments:

- (1) Remarks by Rancho Santa Fe Fire Chief Cliff Hunter (Community Presentation on June 30, 2006)
- (2) "Conceptual Wildfire Life Safety & Sheltering Plan" (draft dated 06/06/06) prepared for Stonegate's Merriam Mountains Development, developed by The Kelly Day Group, Inc.

7/6/2006

**Comments made by Rancho Santa Fe Fire Chief Cliff Hunter
during his Community Presentation on "Shelter-in-Place"
June 30, 2006**

(videotaped by the community)

- "My recommendation for you if you have a health problem, you evacuate and you get out early. I do not want you to stay in your structure."
- "If you have a health problem, smoke will be a problem."
- "Windows can fail because they can break. Short bursts of hurricane-force winds [which occur during firestorms] could cause windows to break very easily."
- "Radiant convection heat from fire can set your drapes on fire."
- "The temperature in a wildfire reaches 1400 degrees. Fire-wise houses are ignition resistant, not fire-proof."
- "The temperature reaches 1200 to 1400 degrees for up to 15 minutes."
- [In response to the statement: "The Fire Protection Plan should have the potential to evacuate in an efficient fashion to save the lives of the elderly, those with chronic disease, children, medically compromised"] Answer: "I agree with you."
- "[SIP] is not the answer to a project."
- "I don't want you to die in your house from either smoke or fire."
- "If you are uncomfortable with staying in place, I want you to leave. We always give you a chance to evacuate."
- "Out of the 22 homeowner's groups I've met and given this presentation to, most of the people are going to leave and they are going to leave early. They are not going to stick around."

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June 6, 2006

Conceptual Wildfire Life Safety & Sheltering Plan

Prepared for

**Stonegate's Merriam Mountains Development
San Diego County, California**

Developed by
The Kelly Day Group, Inc.
P.O. Box 19039
Sacramento, California 95819
916.452.3701

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June 6, 2006

Part I - Introduction

The Merriam Mountain Development is located in the unincorporated area of San Diego County that is north of the cities of Escondido and San Marcos and has a general boundary area of 1-15 on the east, Deer Springs Road on the south, Twin Oaks Valley Road on the west and Gopher Canyon Road on the north. Structural fire protection is provided by the Deer Springs Fire Protection District and the wildland fire protection is provided by the California Department of Forestry and Fire Protection under the provisions of the California Health and Safety Code and the California Public Resources Code.

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As a result, the fire service community and planners have recognized that they must look at alternate means of providing life safety and fire protection for those communities located in the urban-wildland interface zones. The use of computer generated fire modeling programs and the development of specific wildland fire scenarios has provided the tools and knowledge required to implement specific construction standards along with design fuel modification and vegetation management programs to reduce and/or eliminate the fire threat to planned communities without requiring substantial levels of intervention by fire suppression/law enforcement personnel and equipment.

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June 6, 2006

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June 6, 2006

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June 6, 2006

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Part 3 of 3 Attach J Page # 216

VIA FACSIMILE

6/29/2006

*Bill S file
16/Case*

To: GARY PRYOR

From: Peter A. Orner, M.D., Ph.D.

Please read the attached two messages.

Shelter-in-Place: Health and Safety Issues I
Shelter-in-Place: Health and Safety Issues II

Your comments would be appreciated.

Thank You

5 pages total, including this cover sheet

Part 3 of 3 Attach J Page # 217

Peter A. Orner, M.D., Ph.D.
INTERNAL MEDICINE & BIOMECHANICS OF INJURY

Diplomate, American Board of Internal Medicine
Member, American College of Physicians
Member, American Society of Mechanical Engineers
Member, Society of Automotive Engineers
Clinical Professor of Medicine, University of California at San Diego
Former Professor of Mechanical Engineering, Case Western Reserve University

Shelter-in-Place: Health and Safety Issues I

presented to the Deer Springs Fire Protection District at meeting on 14 June 2006

My name is Peter Orner. I have a PhD in mechanical engineering, and was a Professor of Mechanical Engineering at Case Western Reserve University. I have an MD and am board certified in Internal Medicine. I am a full Clinical Professor on the voluntary teaching faculty in the Department of Medicine at UCSD. I am a consultant and expert in the Biomechanics of Injury. My wife Rosalind and I live in Hidden Meadows. I am here today as a concerned physician, engineer, citizen, and resident.

After considerable study, I have several serious engineering and medical concerns about the implementation of wildfire Shelter-In-Place ("fire-SIP") in the Merriam Mountain project. I would like to succinctly share three of these.

First, the notion of "fire-SIP" is apparently an outgrowth of radiation-SIP, chemical-SIP, and biological-SIP. Any SIP, but fire-SIP in particular, requires physical and emotional preparation, strength, and stamina. Current engineering and medical understanding does not support fire-SIP as the design-method-of-choice for a general, i.e., all ages and states of health, population interfacing with a fuel-rich wildland area. Early, at least partial, evacuation is required. I could find no field validation of large scale fire-SIP, i.e., a medical, engineering, and forensic study of injury and death after a real-world-wildfire burned through a large community with all residents remaining in their homes. Thus, it appears that large scale fire-SIP for a general population living in a fuel-rich area has not been validated theoretically or "under fire."

Second, there is accumulating evidence of a wide variety of personal injury due to wildfire. In particular, a recent Australian study published in the Canadian Journal of Psychiatry showed that over 20% of children and adolescents in a suburb of Canberra hit by a wildfire on January 18, 2003 reported symptoms of moderate to severe PTSD. The frequency of PTSD increased for those less than 50 m from the flames. Quoting the author, **"Clearly, proximity and perceived threat are factors that affect stress and emotional well being in child and adolescent wildfire victims."** Being confined by fire-SIP into a house around, over, and possibly through which a wildfire roars, would be expected to cause even more PTSD in children and adolescents.

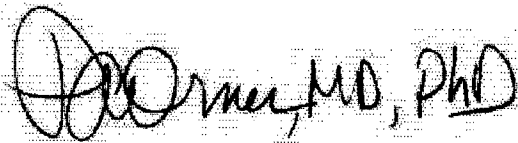
Shelter-in-Place - Health and Safety Issues I

Peter A. Orner, M.D., Ph.D.

Third, the "COMMUNITY WILDFIRE PROTECTION PLAN" by the Deer Springs Fire Safe Council estimates that 30% of their population is aged 65 or older and 20% are 14 or younger. It is reasonable to assume that the Merriam Mountain population would reflect these demographics, resulting in about 2,500-3,000 potential patients 65 years or older. It is well-known that this medical population has a greater incidence of cardiovascular disease, kidney disease, lung disease, and diabetes, just to name a few. The older patient, or indeed any patient with these chronic diseases has reduced tolerance to stress. Such stress includes inhalation of noxious gases, vapors, and smoke; increased ambient temperature, psychological stress, and so on. **Heart attacks, diabetic emergencies, pulmonary crises, and so on, which are provoked by such factors, require immediate professional attention, especially in the elderly.** Speaking about wildfire, FEMA states "Anyone with medical or physical limitations and the young and the elderly should be evacuated immediately." For this unfortunate sub-population, SIP would probably mean "Suffer-In-Place," and for some, "Succumb-In-Place." Early evacuation is necessary and sufficient to prevent this.

In conclusion, please be advised that large scale fire-SIP is an untested, and with reasonable medical certainty, dangerous design methodology for the general population of a community which interfaces with fuel-rich wildland, and which is still in the planning stage.

Respectfully submitted,



Peter A. Orner, M.D., Ph.D.
Report//SIP-health&safety I.wpd

Part 3 of 3 Attach J Page # 219

Peter A. Orner, M.D., Ph.D.
INTERNAL MEDICINE & BIOMECHANICS OF INJURY

Diplomate, American Board of Internal Medicine
Member, American College of Physicians
Member, American Society of Mechanical Engineers
Member, Society of Automotive Engineers
Clinical Professor of Medicine, University of California at San Diego
Former Professor of Mechanical Engineering, Case Western Reserve University

Shelter-in-Place: Health and Safety Issues II

to be presented to the Deer Springs Fire Protection District at meeting on 12 July 2006

Federal code 49 CFR 517.208 "Occupant crash protection," commonly known as FMVSS 208 (Federal Motor Vehicle Safety Standard) governs the safety of the vehicles we drive. Actual vehicles containing human surrogates, e.g., animals, human cadavers, or instrumented dummies, have been crashed into barriers, rolled over, etc. to determine by test the forces which would be experienced by occupants in real world motor vehicle accidents. The test protocols are highly standardized, and the test results must be within medically established "corridors" for the vehicle to be declared safe. Since 1971, every passenger vehicle has had to comply with the regularly updated FMVSS 208 standard in order to be sold in the United States. Because of FMVSS 208, you can reasonably expect that your passenger vehicle will truly be your "shelter-in-place" (SIP) in real-world collisions. In other words, after decades of research, the automotive version of SIP has been logically and unconditionally deployed to prevent vehicular injury and death.

There are no standards similar to FMVSS 208 for the occupants of a house in the wildland-urban-interface (WUI). Even if a house is "firewise," that does not guarantee that it will not burn, much less keep smoke and toxic gases out, and prevent the ambient temperature from dangerously rising. There has been no "crash testing" of complete houses containing instrumented human surrogates in real wildfires. There has been no human and animal testing to establish thermal, pulmonary, cardiac, metabolic, psychological, or human energy expenditure "corridors" for the occupants within. There has been no testing of elderly or debilitated humans to establish sensory and psychological stress "corridors" to ensure that these occupants within will not suffer psychological or medical injury. It is known that children and adolescents are vulnerable to serious psychological damage from merely being in the vicinity of a wildfire. It is an understatement to say that SIP needs further research. "Shelter-in-place" has a catchy ring, but is nowhere close to an unconditional standard for deployment to prevent WUI wildfire injury and death.

Part 3 of 3 Attach J Page # 220

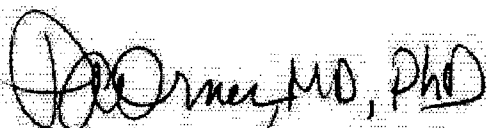
Shelter-in-Place - Health and Safety Issues II

Peter A. Orner, M.D., Ph.D.

Statistically and logically, SIP is most likely preferable to attempting to outrun a wildfire raging nearby, even if the "shelter" subsequently burns down. It is clearly better to roll the dice rather than face certain death. Anecdotal reports of individual WUI fires, from Australia for example, indicate that the vast majority of people who died in WUI fires died (futilely) attempting to flee the flames. However, it is apparently not known how many successfully fled, i.e., the percentage of non-early evacuees who survived. Whatever the case, it appears obvious that early evacuation to some "safe zone" of at least the subpopulation at risk (children, elderly, chronically ill, etc.) is preferable to late evacuation. SIP in firewise houses may be, for some able-bodied portion of the population, preferable to late evacuation. However, SIP is definitely inferior to early evacuation to some "safe zone" for the subpopulation at risk. Saying otherwise does not change that fact.

Unconditional use of an unproven methodology such as SIP would be called malpractice if ordered by a physician and the SIP occupant was injured or died. It would most certainly lead to liability and litigation. Please be advised that this is exactly what the Deer Springs Fire Protection District (DSFPD) and the Stonegate developers are doing. The human danger is real and evident. DSFPD, its Board, and the developers bear the liability.

Respectfully submitted



Peter A. Orner, M.D., Ph.D.
Report//SIP-health&safety II.wpd

From: Entihb@aol.com
Sent: Tuesday, June 27, 2006 11:12 PM
To: Stocks, William
Cc: Dawson, Paul; Martinez, Nicholas A
Subject: Stonegate/Merriam Mountain Fire Protection Plan
Attachments: FPP062706a.doc

IRA H. BUCHALTER, M.D.
28548 Mountain Meadow Road
Escondido, CA 92026
(760) 751-5353
entihb@aol.com

June 28, 2006

RE: NNP-Stonegate/Merriam Mountains Development Fire Protection Plan

Dear Mr. Stocks:

My name is Ira H. Buchalter, M.D. I am a Board Certified Otolaryngologist licensed to practice in the state of California. I am also a Chemical Engineer with two years of postgraduate study in the field of Biochemical Engineering.

In order to satisfy Article 86 of the California Uniform Fire Code, Stonegate Development LLC has had to submit a Fire Protection Plan (FPP). I have read the FPP for Stonegate-Merriam Mountains (draft date 06/06/06 - see attachment).

The FPP outlines two fire scenarios. "Fire Condition One" is described as a fire starting within Merriam Mountain. It admits that the fire would be extreme due to a fuel load of unburned vegetation built up for the past 100 years[1]. It would also be fast-moving (CDF scenarios suggest that a fire starting at the base of the mountain will reach the crest within 10-15 minutes)[2], making evacuation of the 10,000+ residents impossible. A report prepared by the Deer Springs Fire Safe Council emphasizes the potential for a fire that would be "highly destructive and virtually impossible to control." [3] The FPP requires that people remain in their homes, not panic, and follow their Emergency Fire Safety Procedures Manual.

The smoke that is produced by fire is the major reason that people die[4]. Smoke contains carbon monoxide and hydrogen cyanide which will cause asphyxiation by both physical and metabolic pathways. It will also produce noxious gases including organic compounds such as phosgene and aldehydes. Smoke also destroys lung surfactant which can cause laryngeal edema, bronchospasm and ciliary dysfunction, all of which can lead to death. The partial pressure of oxygen can be reduced. If it falls below 50 mm Hg, people will lose consciousness and die.

All of those individuals who are physically compromised by airway and pulmonary problems (including asthma and emphysema among others) will easily succumb. Those with anemia, cardiac

6/29/2006

disease and diabetes may also die. The infirm, the elderly and children will be at great risk. There is no evidence that being in one's home will prevent smoke inhalation injury. There will be many people who will not have time to get to their homes. They will be trapped outside or on the roads and will probably be asphyxiated.

Review of the literature does not cite one incident of a planned community in the United States using the "shelter-in-place" as a primary form of fire protection that has been tested during a significant *actual* wildland-urban interface fire. Stonegate's Fire Protection Plan amounts to a medical experiment on 10,000+ people. I am currently in the process of contacting various medical specialties and medical organizations regarding this proposal, as I have only recently gained access to this FPP. I cannot imagine that this plan could be entertained as a realistic option given the medical consequences to the people involved in case of fire.

I would like an immediate reply. The magnitude, experimental, and ill-conceived nature of this Fire Protection Plan will make it mandatory to involve the entire medical community before any consideration should be given to its approval. Organizations such as the AMA, the American Lung Association, the various medical subspecialty groups as well as the Federal agencies involved in health and safety issues must be notified.

Very truly yours,

Ira H. Buchalter, M.D.

Encl.

[1] Merriam Mountains Project Environmental Impact Report, 3.4.2

[2] Article in the San Diego Union-Tribune, "Preparing for the Worst," by Michael Burge; March 28, 2004

[3] Community Wildfire Protection Plan, Deer Springs Fire Protection District; Dec. 2005; page 3 (4.1 Fuels)

[4] "Smoke Inhalation Injury," T.L.Lee-Chiong Jr. M.D., Postgraduate Medicine, Vol. 105, No. 2; Feb. 1999

Peter A. Orner, M.D., Ph.D.

INTERNAL MEDICINE & BIOMECHANICS OF INJURY

Diplomate, American Board of Internal Medicine

Member, American College of Physicians

Member, American Society of Mechanical Engineers

Member, Society of Automotive Engineers

Clinical Professor of Medicine, University of California at San Diego

Former Professor of Mechanical Engineering, Case Western Reserve University

Shelter-in-Place: Health and Safety Issues I

presented to the Deer Springs Fire Protection District at meeting on 14 June 2006

My name is Peter Orner. I have a PhD in mechanical engineering, and was a Professor of Mechanical Engineering at Case Western Reserve University. I have an MD and am board certified in Internal Medicine. I am a full Clinical Professor on the voluntary teaching faculty in the Department of Medicine at UCSD. I am a consultant and expert in the Biomechanics of Injury. My wife Rosalind and I live in Hidden Meadows. I am here today as a concerned physician, engineer, citizen, and resident.

After considerable study, I have several serious engineering and medical concerns about the implementation of wildfire Shelter-In-Place ("fire-SIP") in the Merriam Mountain project. I would like to succinctly share three of these.

First, the notion of "fire-SIP" is apparently an outgrowth of radiation-SIP, chemical-SIP, and biological-SIP. Any SIP, but fire-SIP in particular, requires physical and emotional preparation, strength, and stamina. Current engineering and medical understanding does not support fire-SIP as the design-method-of-choice for a general, i.e., all ages and states of health, population interfacing with a fuel-rich wildland area. Early, at least partial, evacuation is required. I could find no field validation of large scale fire-SIP, i.e., a medical, engineering, and forensic study of injury and death after a real-world-wildfire burned through a large community with all residents remaining in their homes. Thus, it appears that large scale fire-SIP for a general population living in a fuel-rich area has not been validated theoretically or "under fire."

Second, there is accumulating evidence of a wide variety of personal injury due to wildfire. In particular, a recent Australian study published in the Canadian Journal of Psychiatry showed that over 20% of children and adolescents in a suburb of Canberra hit by a wildfire on January 18, 2003 reported symptoms of moderate to severe PTSD. The frequency of PTSD increased for those less than 50 m from the flames. Quoting the author, **"Clearly, proximity and perceived threat are factors that affect stress and emotional well being in child and adolescent wildfire victims."** Being confined by fire-SIP into a house around, over, and possibly through which a wildfire roars, would be expected to cause even more PTSD in children and adolescents.

Shelter-in-Place - Health and Safety Issues I

Peter A. Orner, M.D., Ph.D.

Third, the "COMMUNITY WILDFIRE PROTECTION PLAN" by the Deer Springs Fire Safe Council estimates that 30% of their population is aged 65 or older and 20% are 14 or younger. It is reasonable to assume that the Merriam Mountain population would reflect these demographics, resulting in about 2,500-3,000 potential patients 65 years or older. It is well-known that this medical population has a greater incidence of cardiovascular disease, kidney disease, lung disease, and diabetes, just to name a few. The older patient, or indeed any patient with these chronic diseases has reduced tolerance to stress. Such stress includes inhalation of noxious gases, vapors, and smoke; increased ambient temperature, psychological stress, and so on. **Heart attacks, diabetic emergencies, pulmonary crises, and so on, which are provoked by such factors, require immediate professional attention, especially in the elderly.** Speaking about wildfire, FEMA states "Anyone with medical or physical limitations and the young and the elderly should be evacuated immediately." For this unfortunate sub-population, SIP would probably mean "Suffer-In-Place," and for some, "Succumb-In-Place." Early evacuation is necessary and sufficient to prevent this.

In conclusion, please be advised that large scale fire-SIP is an untested, and with reasonable medical certainty, dangerous design methodology for the general population of a community which interfaces with fuel-rich wildland, and which is still in the planning stage.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. Orner, MD, PhD". The signature is stylized and cursive.

Peter A. Orner, M.D., Ph.D.
Report/SIP-health&safety I.wpd

Peter A. Orner, M.D., Ph.D.
INTERNAL MEDICINE & BIOMECHANICS OF INJURY

Diplomate, American Board of Internal Medicine
Member, American College of Physicians
Member, American Society of Mechanical Engineers
Member, Society of Automotive Engineers
Clinical Professor of Medicine, University of California at San Diego
Former Professor of Mechanical Engineering, Case Western Reserve University

Shelter-in-Place: Health and Safety Issues II

to be presented to the Deer Springs Fire Protection District at meeting on 12 July 2006

Federal code 49 CFR 517.208 "Occupant crash protection," commonly known as FMVSS 208 (Federal Motor Vehicle Safety Standard) governs the safety of the vehicles we drive. Actual vehicles containing human surrogates, e.g., animals, human cadavers, or instrumented dummies, have been crashed into barriers, rolled over, etc. to determine by test the forces which would be experienced by occupants in real world motor vehicle accidents. The test protocols are highly standardized, and the test results must be within medically established "corridors" for the vehicle to be declared safe. Since 1971, every passenger vehicle has had to comply with the regularly updated FMVSS 208 standard in order to be sold in the United States. Because of FMVSS 208, you can reasonably expect that your passenger vehicle will truly be your "shelter-in-place" (SIP) in real-world collisions. In other words, after decades of research, the automotive version of SIP has been logically and unconditionally deployed to prevent vehicular injury and death.

There are no standards similar to FMVSS 208 for the occupants of a house in the wildland-urban-interface (WUI). Even if a house is "firewise," that does not guarantee that it will not burn, much less keep smoke and toxic gases out, and prevent the ambient temperature from dangerously rising. There has been no "crash testing" of complete houses containing instrumented human surrogates in real wildfires. There has been no human and animal testing to establish thermal, pulmonary, cardiac, metabolic, psychological, or human energy expenditure "corridors" for the occupants within. There has been no testing of elderly or debilitated humans to establish sensory and psychological stress "corridors" to ensure that these occupants within will not suffer psychological or medical injury. It is known that children and adolescents are vulnerable to serious psychological damage from merely being in the vicinity of a wildfire. It is an understatement to say that SIP needs further research. "Shelter-in-place" has a catchy ring, but is nowhere close to an unconditional standard for deployment to prevent WUI wildfire injury and death.

Shelter-in-Place - Health and Safety Issues II

Peter A. Orner, M.D., Ph.D.

Statistically and logically, SIP is most likely preferable to attempting to outrun a wildfire raging nearby, even if the "shelter" subsequently burns down. It is clearly better to roll the dice rather than face certain death. Anecdotal reports of individual WUI fires, from Australia for example, indicate that the vast majority of people who died in WUI fires died (futilely) attempting to flee the flames. However, it is apparently not known how many successfully fled, i.e., the percentage of non-early evacuees who survived. Whatever the case, it appears obvious that early evacuation to some "safe zone" of at least the subpopulation at risk (children, elderly, chronically ill, etc.) is preferable to late evacuation. SIP in firewise houses may be, for some able-bodied portion of the population, preferable to late evacuation. However, SIP is definitely inferior to early evacuation to some "safe zone" for the subpopulation at risk. Saying otherwise does not change that fact.

Unconditional use of an unproven methodology such as SIP would be called malpractice if ordered by a physician and the SIP occupant was injured or died. It would most certainly lead to liability and litigation. Please be advised that this is exactly what the Deer Springs Fire Protection District (DSFPD) and the Stonegate developers are doing. The human danger is real and evident. DSFPD, its Board, and the developers bear the liability.

Respectfully submitted

A handwritten signature in black ink, appearing to read "P. Orner, M.D., Ph.D.", written in a cursive, stylized script.

Peter A. Orner, M.D., Ph.D.

Report//SIP-health&safety II.wpd

RECEIVED

From the desk of . . .

JUN 13 2006

June 11, 2006

San Diego County
DEPT. OF PLANNING & LAND USE

GEORGE STONEBACK

Dept. of Developments Land Use

Sirs,

It is of great concern of myself, friends, neighbors & the community at large, about the Stonegate Development at Mass Ranch & Deer Springs Rd area.

This is not the place for 2400 homes, plus businesses added. The fire hazards, water (lack of), congested traffic, etc., makes this area unsuitable for a project of this size. It is a vironmental sensitive & high fire area. The Deer Springs Fire District opposes this development also.

Your office needs to stop this project now. Your kind attention on this matter will be greatly appreciated by the whole community area.

Thank you,
George Stoneback
(retired)

443 W. El Norte
#207
Escondido, Ca. 92026

June 6, 2006

Dept. Of Planning and Lane Use
5201 Ruffin Road
Suite B
San Diego, Ca. 92123

RECEIVED

JUN 08 2006

San Diego County
DEPT. OF PLANNING & LAND USE

Dear Sirs:

I strongly oppose the incredible proposed addition of 27,00 homes of Stonegate Merriam Mountains to the Deer Spring/I-15 area.

This is just something an imbecile would think up. I use to live in Orange County and this where these people come from. They have no respect for the land and for the people who live in the area already.

There is no concern over the dangers that exist as far as fire and concern for schools for the children. There is no public access for low income individuals. There is a small and short bridge which is already at full capacity with the existing traffic that the area already handles. The current fire department can barely handle the public welfare. They are trying to get additional support. The schools in the area do not have access for additional children that this community would produce. Is Stonegate Merriman prepared to fund two new fire departments and an entire school system, because that size of community would require that many additional resources.

Additionally, there is not enough flat land, so everyone would be crowed into high density housing. What in the world would this produce? Nothing to the peace and quiet and liveliness of the N. County of San Diego which we love so much. Are you trying to create a high price ghetto? Is somebody or somebodies on the Board of Supervisors in on this? This certainly brings up many concerns.

My family would never be able to get to me if I were to need them, they would be terribly delayed by traffic if the Stonegate were to be built.

Please don't let it happen.

Sincerely a Senior

Dorothy O. Dascomb

Dorothy O. Dascomb

Curt T. Grieve

THE KELLY DAY GROUP, Inc.

P.O. Box 19039
Sacramento, CA 95819-0039
Tel. 916.452.3701
Fax 916.452.0412
cgrieve@kellydaygroup.com

Date: May 8, 2006

To: Chief Rich Bolton
Mr. Jerry Cannon

From: Curt Grieve

Subject: Merriam Mountains Development – Fire Protection

First, please accept my thanks and appreciation to both of you for taking time to discuss our proposed development and the related concerns last week. It appears to me that we are rapidly approaching a point of accord. Based on the reported outcome of the various meetings that have occurred over the last few weeks with the San Marcos Fire District and Ralph Steinhoff, it would be extremely helpful to me to have some clarity and confirmation on the following four items in terms of the District's position.

1. Deer Springs Fire District Station 2 Replacement:

Based on our discussions regarding the replacement of the above fire station, I wanted to re-emphasize that we have no preference in terms of us providing a temporary fire station and replacement of Station 2 on its existing site at our cost in lieu of paying the Mitigation Fees provided that the District develops and adopts reasonable specifications for the new station or for the District to collect the fees in conjunction with the issuance of the building permits and managing the construction process without our involvement. We are also willing to consider pre-funding the fees using a Community Facilities District. The emphasis on obtaining clarification from the District at this point in time is that we need to address the public facility improvement segment identified by the County of San Diego as part of the EIR.

2. Merriam Mountains Roadway Component:

As per the April 24th meeting at the DPLU offices, the County requested that we increase the fuel modification distances adjacent to Merriam Mountains Parkway in the areas adjacent to the designated commercial properties located near the south end of the development. The County expressed a strong desire to implement the fuel modification changes to insure safe passage of evacuees

through the "choke point" as a means to eliminate Rock Bluff Lane at the north-west end of the property as the roadway significantly impacts the ability to provide the desired environmental safeguards deemed necessary for the area. It is the County's position that the increased clearances for the fuels along the roadway provides for a safe evacuation route based on wind driven fire conditions rather than having the public attempt to flee using Rock Bluff Lane forcing them into an identified danger zone. I think this is consistent with our past discussions wherein we extended North Tank Road to serve as an evacuation route as recommended by the District. In order to move forward with this change, we are asking for the District's support and approval of the County's request and recommendation that Rock Bluff Lane be eliminated and that we implement the fuel modification changes requested by the County. The elimination of Rock Bluff Lane already has the concurrence of the Wildlife Agencies.

3. Fire Protection Plan:

It is my understanding that the Fire Protection Plan (fuel modification plan) has been revised to meet all of the County of San Diego's and the State of California's adopted codes and regulations as well as those Codes and Ordinances adopted by the Deer Springs Fire Protection District. It is also my understanding that we have responded appropriately and accurately to the last round of comments received from Fire Marshal Susan Magdaleno. At this time we are looking for written acceptance and approval by the end of next week so we can submit to the County in accordance with their requirements. As you are aware, the San Marcos Fire District has already approved a similar plan for that portion of the Development that is within their jurisdiction.

4. Emergency Response Plan:

In accordance with the County of San Diego's General Plan, the entire developed area of the Merriam Mountains Development is now within a five (5) minute response of the Deer Springs Fire District's existing fire stations including that minor portion (6.5 acres/77 dwelling units) of the project that is located within the San Marcos Fire Protection District. Based on the adoption documents provided to us by the San Marcos Fire District and your agency, it appears that the terms of the Automatic Aid Agreement provide for a clear path to allow for the closest engine to respond to an emergency providing the highest and most efficient level of service to the public. The San Marcos Fire Protection District has committed to the closest engine concept and is modifying their dispatch procedures to include Deer Springs Station 2 as the first due engine into the previously identified portion of the development. We are requesting that the District re-affirm their adoption of the automatic aid agreement and the intent to send DSFPD Station 2 on a first alarm basis into the area as described above. This is a key element in terms of the County of San Diego's comments about our Development and we are in need of this

written commitment by next week as well. As a side benefit, this concept also permits San Marcos to provide initial responses into the western areas of the Deer Springs Fire Protection District that currently experience extended response times.

In summary, we are requesting that Jerry Cannon, as the Board's liaison, present the above four items to the Board of Director's for consideration, adoption and written approval at next week's Board Meeting so we can move forward with meeting the criteria set forth by the County of San Diego in a timely manner as part of the EIR process.

Thank you in advance for your cooperation and assistance in moving these matters forward.

cc: Captain Susan Magdaleno
 Mr. Ralph Steinhoff
 Mr. Joe Perring
 Mr. Brice Bossler

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June 6, 2006

Conceptual Wildfire Life Safety & Sheltering Plan

Prepared for

**Stonegate's Merriam Mountains Development
San Diego County, California**

Developed by
The Kelly Day Group, Inc.
P.O. Box 19039
Sacramento, California 95819
916.452.3701

DRAFT

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June 6, 2006

Part I - Introduction

The Merriam Mountain Development is located in the unincorporated area of San Diego County that is north of the cities of Escondido and San Marcos and has a general boundary area of 1-15 on the east, Deer Springs Road on the south, Twin Oaks Valley Road on the west and Gopher Canyon Road on the north. Structural fire protection is provided by the Deer Springs Fire Protection District and the wildland fire protection is provided by the California Department of Forestry and Fire Protection under the provisions of the California Health and Safety Code and the California Public Resources Code.

The Merriam Mountain Development is located in a geographic area classified by the California Department of Forestry and Fire Protection as a "High Fire Hazard Severity Zone in accordance with Sections 4201-4204 of the California Public Resources Code. Due to the identification of this development's location, it is imperative it incorporates recognized design and construction standards to provide for a fire safe community to withstand the threat and impact of a wildfire. As part of the approval process for the development of a new community, a basic requirement is set forth by the fire protection authority to develop a written Fire Protection Plan. As part of the overall Fire Protection Plan, it is imperative that it includes a specific component identifying the approach for the life safety and sheltering of the residents during a wildfire incident. Furthermore, the development and implementation of a Wildfire Life Safety and Sheltering Plan provides a significant planning tool for the fire department and law enforcement in terms of resource allocation during a wildfire incident.

For more than 50 years, California's fire experience involving urban-wildland interface zones has clearly identified that when extreme weather conditions are coupled with multiple fire incidents, the resources of the fire and law enforcement agencies are often overtaxed placing people's lives and property in jeopardy.

As a result, the fire service community and planners have recognized that they must look at alternate means of providing life safety and fire protection for those communities located in the urban-wildland interface zones. The use of computer generated fire modeling programs and the development of specific wildland fire scenarios has provided the tools and knowledge required to implement specific construction standards along with design fuel modification and vegetation management programs to reduce and/or eliminate the fire threat to planned communities without requiring substantial levels of intervention by fire suppression/law enforcement personnel and equipment.

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June 6, 2006

URAFT

In addition to the planning and design components involved in developing a fire safe community, fire officials have continued to identify a series of problems and hazards associated with evacuations of expansive areas during major wildfire incidents. Unfortunately, numerous fire deaths and injuries have occurred over the past few years during evacuation attempts.

It is clearly recognized that basic human behavior creates a multitude of problems for fire and law enforcement personnel during extreme emergencies. All too often, changing conditions preclude a timely notification to allow for an orderly and safe evacuation or situations are compounded by the public either waiting too long to evacuate or refusing to evacuate at all. In either situation, the risk level is increased to an unacceptable level as it increases the demand on valuable resources and jeopardizes too many lives. Wildfire conditions often require a decision to make a fire attack rather than attempting to accomplish an evacuation leaving the public at risk. In response to this situation, many fire officials have come to recognize the benefits of designing a fire safe community that includes sheltering in place or in some cases providing for minor relocations within the community as this concept benefits all and avoids a system failure. In fact, during the 2003 Cedar Fire (San Diego County), CDF Chief's Ray Channey and Bill Clayton both used their knowledge and experience to save what has been described as hundreds of lives by ordering two large groups of people to shelter in place rather than subjecting them to the hazards of attempting to outrun a wildfire. San Diego County and CDF officials are currently wrestling with the challenge of determining whether an evacuation is worth trying. According to Deborah Steffen, San Diego County's Director of Emergency Services "If you look at our freeways in the afternoon and think about trying to put 3 million people on the road at one time,... it just wouldn't be practical" when speaking about the development of large scale evacuations.

Part II - Merriam Mountains Development Wildfire Life Safety and Sheltering Plan

In contrast to existing areas within the Deer Springs Fire Protection District that have been developed without benefit of today's fire safe standards, planned fire safe communities incorporate features that eliminate or significantly reduces many of the fire protection issues identified in past wildland fires involving the urban-wildland interface zone. There are currently five (5) designated "Shelter In Place Communities" within the Rancho Santa Fe Fire Protection District in San Diego County which have incorporated similar fire safe designs to those proposed for the Merriam Mountains Development. In fact, the fire safe conditions that exist in the communities of 4S Ranch, The Bridges, Cielo, The Crosby and Santa Fe Valley have resulted in a directive from the fire department for the residents to not evacuate and to remain sheltered in their homes during wildfire incidents.

June 6, 2006

In common with the aforementioned "Shelter in Place Communities", the Merriam Mountains Development incorporates fire resistive construction including fire resistant roof coverings, residential fire sprinklers, fire resistive landscaping and a managed fuel modification program, adequate roadways to serve two way traffic and large firefighting apparatus and has the benefit of fire stations staffed by full-time personnel within a five minute response time. The development will also incorporate and participate in early emergency notification programs.

The Merriam Mountain Development Wildfire Life Safety and Sheltering Plan is based on a series of components that incorporates the findings from on-site inspections, fire prediction computer modeling (BEHAVE), the related wildland fire scenarios developed by the California Department of Forestry & Fire Protection, a review of the available fire suppression capabilities, evacuation routes and the design principles incorporated into the development plan. The development of this Wildfire Life Safety and Sheltering Plan has also taken into consideration the avoidance of directing residents to evacuate through inherently dangerous fire prone areas using alternate evacuation routes. As part of the development, emergency escape routes will be signed in accordance with the standards adopted by the Deer Springs Fire Protection District to direct residents and visitors to the pre-identified evacuation routes. Furthermore, the plan reduces the potential for impacting the adjoining roadways and highway in the event an area wide evacuation became necessary. The last factor is the establishment of the Homeowner's Association which will have the authority and the resources to maintain a fire safety educational program based on the overall Fire Protection Plan developed for this specific community including the issuance of an Emergency Fire Safety Procedures Manual in conjunction with the Deer Springs Fire Protection District. Under this concept the Emergency Fire Safety Procedures Manual is proposed to be similar to the copyrighted documents published by the Rancho Santa Fe Fire Protection District as shown in Exhibit A.

In the event wildfire conditions threaten the development, this plan outlines two distinct fire conditions which will dictate the actions of the residents based on the time elements, health considerations and overall general public safety.

Fire Condition One:

The plan under Fire Condition One becomes operational when a wildfire is reported in the open space within the development's boundaries or immediately adjacent properties. Under Fire Condition One, there is not adequate time or the resources to provide for an orderly and successful evacuation based on the CDF fire scenarios which predict an extreme rate of burning. During these fire conditions it is the intent of this plan to use the "Shelter In Place" concept with pre-instructed residents remaining inside their homes until the fire front has passed reducing the inherent risk of attempting to out run the fire. Resident notification will occur through the use of the community installed sirens which will be activated by the Deer Springs FPD upon receipt of an alarm for a pending fire emergency.

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June 6, 2006

Actions to be taken by the homeowners are:

- . Close all windows and doors
- . Open all curtains and draperies beyond the window
- . Shut off the heating/air conditioning system.
- . Move combustible exterior patio furniture away the house.
- . Make sure the garden hoses are pre-connected and ready for use after the fire front has passed.

Additional warnings and follow-up instructions will be provided through the San Diego County Reverse 911 System and the local news media based on information received from the San Diego County Sheriff's Office and the Deer Springs Fire Protection District.

Fire Condition Two:

Fire Condition Two becomes operational when wildland fires occur in the general area and are predicted to spread without the potential for containment and/or smoke conditions represent a significant health problem. The County of San Diego's Reverse 911 System, law enforcement and other media systems are implemented to advise residents to evacuate to a pre-identified location following the specific evacuation routes. Under this condition, time sequences must be such that an orderly evacuation can be accomplished with private vehicles using the pre-determined evacuation routes leading to public safe areas or to adjacent surface streets and/or I-15. The key to a successful evacuation is the ability for the residents to evacuate without placing them at risk from an approaching fire. Upon notification by the Deer Springs Fire Protection District, media broadcasts will be used to inform those displaced when it is safe to return.

MARY B. NELSON

2733 SARVER LANE
SAN MARCOS, CALIFORNIA 92069
760-744-5428
760-744-5709 FAX

RECEIVED

MAY 10 2006

San Diego County
DEPT. OF PLANNING & LAND USE

5-8-06

BILL STOCKS
DEPARTMENT OF PLANNING AND LAND USE
COUNTY OF SAN DIEGO
PROJECT PROCESSING
5201 RUFFIN RD
SAN DIEGO, CA 92123

RE: TM 5381

DEAR MR. STOCKS;

WHEN AVAILABLE TO THE PUBLIC I WOULD LIKE TO BE PLACED ON THE LIST OF PERSONS TO BE NOTIFIED OF THE AVAILABILITY OF SUBMISSIONS FOR APPROVAL ON THE STONEGATE MERRIAM MOUNTAINS PROJECT. I AM A RESIDENT LIVING ON SARVER LANE IN SAN MARCOS WHICH WILL BE AFFECTED BY THE TM 5381 DEVELOPMENT. THE TRAFFIC STUDY YOU ARE NOW REVIEWING IS OF CONSIDERABLE SIGNIFICANCE. THE LOCATION OF THE SEWER LINE TO SERVE THE DEVELOPMENT IS ALSO OF IMPORTANCE TO ME AND VALLECITOS WATER DISTRICT HAS GIVEN ME A MAP SHOWING THE SARVER LANE LOCATION WHERE IT IS PLANNED TO BE LOCATED?.AN EASEMENT FROM THE STONEGATE LOCATION HAS BEEN REQUESTED SINCE IT ON THE MAP REQUIRES A LOCATION ON MY ADDRESS AT 2733 SARVER LANE.

THANK YOU FOR YOUR ASSISTANCE.

VERY TRULY YOURS,

MARY B. NELSON

May 7, 2006

RECEIVED

MAY 12 2006

San Diego County
DEPT. OF PLANNING & LAND USE

Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

RE: Stonegate Development

The proposed Stonegate project will have a very harmful impact on our Hidden Meadows community. Building 2,700 residential units does not conform to the county planning rules for the I-15 corridor.

We, the Hidden Meadows long-time residents violently oppose the illegal development proposed alongside I-15. We already have traffic problems on an almost daily basis and this proposed congested community, Stonegate, would contribute substantially to this problem.

Please do not give in to the wiles of the developers, who do not care what terrible impact they make on our community.

22 year residents,

Zeta and Joe Perry

Zeta Perry
Mr. Joseph E. Perry, JR.

Stocks, William

From: Hofreiter, Larry
Sent: Wednesday, March 01, 2006 11:00 AM
To: 'Henry Palmer'
Cc: Gil Jemmott; Stocks, William
Subject: RE: Deer Springs/ Twin Oaks Road improvements.

Hi Hank,

I'll talk to Bill Stocks, the County Planner for the Stonegate development and see what I can't find out. I'm not aware of any proposals the County has made, but I'll ask him and let you and Gil know. I don't think the County could not require Stonegate to conduct a study on a horse tunnel, but I'll double check on that as well.

Still waiting for the level of service results for the Community Preference Road Network Alternative, and I'll let you guys know when I get them. Thanks! Enjoy the rain, while it lasts!

-Larry

From: Henry Palmer [mailto:hpalmer3@dslextre.me.com]
Sent: Wednesday, March 01, 2006 10:33 AM
To: Hofreiter, Larry
Cc: Gil Jemmott
Subject: Deer Springs/ Twin Oaks Road improvements.

Hi, Larry,
Joe Perring, Stonegate, outlined proposals the County has made to him at the last CSG meeting. Would it be possible for someone from the County to outline those proposals to the CSG in the near future?

Also, an equestrian real estate saleswoman outlined a proposal for a horse tunnel under the subject proposed highway and a traffic signal that a mounted horserider could operate. These are novel proposals so I wonder if traffic studies have been made or if Stonegate should conduct such studies.

Hi-Yo, Silver! Away!

Hank Palmer

3/2/2006

Stocks, William

From: Pauline Hadley [phadley@mac.com]
Sent: Tuesday, February 28, 2006 8:06 AM
To: DAVID STERRETT NC TIMES
Cc: Rob Peterson; ELEANOR & PAUL FILKINS; karen binns; Stocks, William
Subject: "illegal" entrance to Stonegate?

DEAR DAVID,

HAVING JUST READ YOUR ARTICLE ABOUT MERRIAM MOUNTAINS PROJECT, I AM WONDERING AS TO THE **LEGALITY** OF THE ENTRANCE TO THIS PROPOSED 2700 HOME STONEGATE DEVELOPMENT (MERRIAM MOUNTAINS) . **I CONTEND IT IS ILLEGAL TO BLOCK RESIDENTS FROM ENTERING OR LEAVING THEIR OWN DRIVEWAYS, PLACING HUGE INTERSECTION TOO CLOSE TO THEIR DRIVEWAYS.**

HISTORY: FIRST, PERRING BOUGHT UP ONE LOT ON DEER SPRINGS, 2 YEARS AGO, WE REFER TO AS THE "KIM" LOT, PAID TREBLE ITS FAIR MARKET PRICE, THEN BOUGHT THE LOT BEHIND IT, OVERPAID AGAIN, WITH INTENTIONS OF MAKING THIS AGRICULTURAL LAND INTO A MAJOR HIGHWAY. KIM LOT IS ONLY 200 FT. WIDE. This new highway would "T" into crowded Deer Springs Road, have signals, be major entrance to 2700 new homes!! IT WAS 50 FT. FROM MY DRIVEWAY!!!

PERRING THEN ASKED ME TO "MOVE MY DRIVEWAY" WHICH WAS NOT SUITABLE FOR MY TRUCKS, SO NOW HE IS BUYING NEXT PROPERTY EAST, SMITHS, STILL NOT GIVING US THE REQUIRED 300 FT. SPACE FOR US TO ENTER AND LEAVE OUR OWN DRIVEWAYS.

AN ENGINEER WHOM I HAPPENED TO SIT NEXT TO AT A MEETING, MENTIONED THAT THE SETBACK FOR NEW HIGHWAYS FROM EXISTING DRIVEWAYS, WAS 300 FT. MINIMUM. CAN YOU IMAGINE LIVING ON DEER SPRINGS ROAD, JUST WEST OF THE INTERSECTION, WITH HEAVY TRAFFIC AND SIGNALS, TRYING TO GET OUT AND MAKE A LEFT TURN TO THE HOSPITAL? IN EMERGENCY? OR TRYING TO GET OUT AND TURN RIGHT, WHEN YOU ARE EAST OF IT, WITH TRAFFIC STOPPED IN FRONT OF YOUR DRIVEWAY? THIS IS A TRUE HEALTH HAZARD, AS WE CANNOT GET MEDICAL HELP IN EMERGENCIES!

ON TWIN OAKS, A SECONDARY STREET HAD TO BE CREATED, FOR RESIDENTS TO GET IN AND OUT, BUT DOING THIS ON DEER SPRINGS ROAD WOULD CUT THRU EXISTING HOMES OF SOME RESIDENTS.

IMAGINE A FIRE? 30,000 CARS BACKED UP, SANTA ANA WINDS BLOWING, FIRES APPROACHING, AND NO FIRE TRUCKS ABLE TO GET THROUGH? 1.4 MILES WITH NO ALTERNATIVE ACCESS EXCEPT BY AIR?

IF STONEGATE POSITIONS ITS HUGE INTERSECTION WITH 30,000 AUTOS A DAY, SIGNAL LIGHTS, 300 FT. FROM MY DRIVEWAY, THEN THEY ARE TOO CLOSE TO LARSON-TURMAN DRIVEWAY. I DON'T BELIEVE WHAT THEY ARE DOING IS LEGAL, BLOCKING EXISTING RESIDENTS FROM GETTING IN OR OUT OF THEIR DRIVEWAYS. IF SAN DIEGO

3/1/2006

COUNTY ALLOWS THIS, ARIZONA IS LOOKING BETTER AND BETTER TO ME! SO ARE THE MOUNTAINS OF NEW MEXICO!

SEEMS RESIDENTS SUCH AS MYSELF, PAULINE HADLEY, OR TURMAN, LARSON, BINNS, PETERSON, AND OTHERS, HAVE TO ENTER ONTO DEER SPRINGS ROAD. IF THE MAJOR INTERSECTION IS ONLY 200 OR 220 FT. FROM AN EXISTING DRIVEWAY, WITH THE LEFT HAND TURNERS LINED UP, THERE IS NOT A CHANCE TO TURN LEFT, IN EMERGENCIES. WE WOULD HAVE TO TURN RIGHT, TRAFFIC PERMITTING, GO TO BUENA CREEK SIGNAL, TURN RIGHT, THEN TURN INTO PARKING LOT OF THE TWIN OAKS MARKET, THEN TURN GOING NORTH ON TWIN OAKS WHICH CHANGES ITS NAME TO DEER SPRINGS ROAD, AT THE RATHER DANGEROUS CURVE?

I HEAR THAT STONEGATE IS NOW IN ESCROW WITH SMITHS, JUST EAST OF "KIM" PROPERTY, STILL NOT 300 FT. FROM MY DRIVEWAY, AND THAT THE 60 FT. WIDE "EASEMENT" THAT 5 HOMES USE, CURRENTLY NAMED "DEER SPRINGS PLACE" IS TO BE TURNED INTO A MAJOR HIGHWAY, INTERSECTION, SERVING 2700 HOMES, 10 TRIPS PER DAY, 27,000 AUTOS PER DAY? PLUS VISITORS TO THE PARKS? 30,000 MORE A DAY???

I ALSO HEAR STONEGATE TRIED TO BUY UP LARSON. WAS REFUSED. THEY TRIED TO CREATE EASEMENTS THRU OTHER PROPERTY, PIZZUTO, AS WELL. FOR A MAJOR ROAD WITH PERHAPS 30,000 AUTOS A DAY?

SARVER LANE WOULD NOT ALLOW STONEGATE TO ENTER AT THEIR POINT, SO STONEGATE DECIDED TO BUY UP AG LAND, NEXT DOOR TO NEIGHBORS WITH QUIET LARGE PROPERTIES, TURNING THEIR PROPERTY INTO NOISY CORNER LOTS.

MY FATHER WAS BORN IN RIVERSIDE, CALIFORNIA, FOUNDED HADLEY FRUIT ORCHARDS, AND I WAS BORN IN PASADENA, CALIF., AND HOPED TO RETIRE ON DEER SPRINGS ROAD, ACROSS FROM THE WORLD FAMOUS "GOLDEN DOOR". NOW I AM LOOKING AT ARIZONA AS A NICER PLACE TO RETIRE, WITHOUT THE CONTINUAL HARASSMENT FROM JOE PERRING, OF 120 CONDOS NEXT DOOR, AND BREAKING THE SET BACK LAWS MAKING "DRIVEWAYS" AND "EASEMENTS" FOR A FEW AUTOS, INTO MAJOR HIGHWAYS, RUINING THE LIFESTYLE OF THOSE IN THIS AREA. JOE PERRING LIVES IN NEWPORT BEACH AREA, COMES DOWN HERE TO RUIN OUR LIFESTYLE, THEN RETURNS TO HIS SANCTUARY.

HAVING JUST SPENT A SMALL FORTUNE REPAIRING MY LONG DRIVEWAY, MAKING IT EXPOSED AGGREGATE RATHER THAN THE ASPHALT THAT WASHED OUT IN THE RAINS, I PERSONALLY FIND THIS CONTINUAL HARASSMENT OF PERRING AND HIS PROPOSALS MOST UNWELCOME AND STRESSFUL.

THE MAN CAN'T COUNT, PRESENTS MAPS WITH 120 CONDOS CALLING THEM 105 UNTIL I CORRECT THEM, MAKES APPOINTMENTS THAT HE THEN IGNORES FOR 14 MONTHS, GIVES WRONGFUL INFORMATION ABOUT LEGAL SET BACKS FOR HIS MAJOR INTERSECTION NEXT DOOR TO A PRIVATE DRIVEWAY, AND IN GENERAL HAS MADE LIFE FOR US MOST STRESSFUL AND UNPLEASANT. I HAVE OVERHEARD NOTHING BUT NEGATIVE COMMENTS ON PERRING. HIS MATH HAS BEEN FOUND TO BE FAULTY, ALTHO WE CANNOT PROVE IT WAS INTENTIONAL?

WHEN WE LANDSCAPED MY OWN 4.8 ACRES, THE RATTLESNAKES WERE DISTURBED,

AND ONE SNAKE OVER SIX FEET LONG DECIDED TO STAY ON OUR BACK PORCH, UNTIL I HAD MY GARDENER KILL IT. CAN YOU IMAGINE THE SNAKES, SCORPIONS, AND TARANTULAS THAT WE WILL ALL HAVE IN OUR GARDENS, ONCE THIS MOVING OF 12,000 CUBIC YARDS OF EARTH BEGINS? OUR ANIMALS WILL BE IN DANGER, AS WELL AS OUR CHILDREN.

QUOTE: "The study says the new community would add an additional 13,000 vehicles a day, but the improvements to the road would allow it to accommodate 18,000 more vehicles a day."

I DON'T KNOW WHOM GAVE YOU THE NUMBERS FOR THE ADDITIONAL AUTOS, BUT SAN DIEGO COUNTY FIGURES TEN TRIPS PER DAY PER HOME, SO 27,000 TRIPS PER DAY IS CLOSER TO CORRECT THAN 13,000 TRIPS PER DAY. WE MUST ADD TO THAT ALL OF THE PEOPLE COMING TO THE MANY "PARKS" AND "RECREATIONAL FACILITIES" THAT ARE MENTIONED. PERHAPS 30,000 MORE PER DAY?

THEY UNDERSTATED THE TRAFFIC, BUT WE ARE USED TO THIS SORT OF "UNDERSTATEMENT" OF THE TRUE FACTS, AS THIS DEVELOPER JUST WANTS THE \$\$\$MONEY\$\$\$\$\$ AND DOES NOT CARE ONE BIT ABOUT THE LIVES HE IS RUINING.

27,000 IS CLOSER TO ACCURATE, sorry to say, plus visitors of the "parks and recreational facilities" offered. All of these cars dump onto Deer Springs Road. Since all cars dump onto Deer Springs road, we can expect 30,000 more trips per day, and the signals will slow down traffic that already is bumper to bumper twice a day, morning and night.

My answer to Perring is to run an ad to sell my home in the Dubai News, so that people with huge money can fight back? Isn't it a crime that developers with their ruinous plans can destroy what used to be a nice place to retire? My tiled salt water pool, solar heated, the million dollars worth of landscaping is now totally destroyed, with the coming noise and pollution of Stonegate. My "retreat" on top of my hill, with 360 degree views, wind chimes, hot tubs, all ruined with this "insult" called "stonegate". I am personally too upset to return to San Marcos, have stayed away for 3 months, due to this. I am looking for a nicer place to retire, that respects the rights of others, protects us from greedy developers. I hesitate to say where it is, for fear stonegate could ruin this also. However, my mail is forwarded to me. email works also.

Pauline Hadley

Pauline Hadley
MAILING ADDRESS:
306n W El Norte Pkwy #423
Escondido, Calif. 92026
email: phadley@mac.com
CELL PHONE: 760 533 3767
MAIL IS FORWARDED TO ME.

Stocks, William

From: Shick, Richard L.
Sent: Monday, February 27, 2006 1:45 PM
To: 'Pauline Hadley'
Cc: Stocks, William; Carlton, Gregory A; 'Brice Bossler'
Subject: RE: DISTANCE NEW INTERSECTION MUST HAVE FROM EXISTING DRIVEWAY

Pauline:

Deer Spring Road is classified as a Major Road as shown on the Circulation Element of the County's General Plan. Wherever possible, driveway and intersection separation shall be achieved in accordance with the Section 6, "Design Standards," of the County Public Road Standards. Although, the County may allow exceptions under Section 1.3, "Exceptions," of the Standards.

When appropriate, the County prefers to minimize access onto Circulation Element roads. With the Stonegate project or a future County project, Deer Springs Road could be improved to an ultimate four lanes with center median. In this case, access from your driveway could be restricted to right in and right out only by construction of the median. Median openings are not generally allowed for private residential driveways.

It may be more advantageous for you to take access onto the proposed new road from the Stonegate project. I suggest contacting the developer (Stonegate-Merriam Mountain LLC., Joe Perring, (949) 367-9400) to explore the possibility of taking access as mentioned above.

Thanks

Lee

Lee Shick, Jr.
DPW Project Manager
Land Development Division
Central Project Team
5201 Ruffin Road, Ste D
San Diego, Ca 92123
(858) 694-3235 office
(858) 495-5516 fax
<http://www.sdcounty.ca.gov/dpw/land/privdel.htm>

-----Original Message-----

From: Pauline Hadley [mailto:phadley@mac.com]
Sent: Monday, February 27, 2006 12:40 PM
To: Shick, Richard L.
Subject: DISTANCE NEW INTERSECTION MUST HAVE FROM EXISTING DRIVEWAY

DEAR MR. SHICK:

STONEGATE IS PLANNING ON PUTTING IN A NEW HIGHWAY, SIGNALS, THE WORKS, 210 FT. FROM MY DRIVEWAY. THIS NEW ROAD IS NOW AN EASEMENT FOR 4 OR 5 TIMES, LIKE A DRIVEWAY, FOR A FEW CARS TO ENTER DEER SPRINGS ROAD. IT IS A "T" THAT ENTERS ONTO DEER SPRINGS ROAD. IT HAS A NAME OF DEER SPRINGS PLACE NOW.

THIS DEVELOPMENT HAS 2700 NEW HOMES, SO IF WE USE THE 10 TRIPS PER DAY, PER HOME, WE HAVE 27,000 TRIPS PER DAY, POTENTIALLY USING THIS NEW ROAD.

Stocks, William

From: Pauline Hadley [phadley@mac.com]
Sent: Sunday, February 26, 2006 1:57 PM
To: Kristln Byrne stonegate
Subject: your maps have not arrived

in Arizona:
290 Red Butte Drive
Sedona, AZ 86351
phone: 928 284 0944
fax: 928 284 5795

Dear Kristin:

Nothing has come in the mail, such as the maps you promised to mail to me, showing your intentions in the area. We spoke about 10 days ago and I had the idea you were mailing them soon. You said you were. I would like to know how you are placing the 120 condos, in relationship to my land, how many feet your new street is from my driveway. Kim property is 200 feet wide, and my driveway is 10 ft. from east side of my land. This should help you figure that out. Or your engineers figure it out.

The widening of Deer Springs Road is to be four lanes? Does this include a "turn lane"? How long is the turn lane, if any? In other words, **how can I get out of my driveway and turn left to go to Interstate 15?** What is the timing on the signal? 2 min. for east-west, 30 seconds for turning?

San Diego county has determined 10 trips per day per house, 2700 houses, 27,000 trips. With 2.8 people living in each house, two working adults minimum, there are 4 trips already. Your numbers are off. With 30 cars, 20 to 25 ft. in length, plus space between cars, how can thousands of people turn left and in what time frame without blocking me only 210 ft. away??

I am concerned that I cannot get out of my driveway, which is a safety issue, as cell phones do not work at entrance to my driveway, to call emergency help. If a car hits mine, I cannot call on a cell phone for help, as it is a dead spot. Safety issue. Health and safety.

I have electric gates, and widening of the street will require you making a lot of changes, my gate, entry box, etc. How and when do you intend to cover all of this, and what guarantee that proper space for my vehicle that is 23 ft. long, can enter safely? My driveway is 18 to 20 ft. wide, 1000 ft. long, exposed aggregate new surfacing just completed. (Perring was so show up 14 months ago, never did, so we did driveway over, quite expensive.)

I am in my 70's and emergency vehicles must be able to enter without waiting, due to your heavy traffic.

I believe you established the value of the adjacent properties, in paying \$1.7 for 5.2 acres of vacant land, and \$1.5 mil for small Clark house on 3.4 acres. gulley properties. Deer Springs Place is about 210 ft. from my driveway, which I believe is not allowed. This is not suitable entrance for 2700 homes,

2/28/2006

as you need 300 ft. minimum with signals, etc., 4 lane road, and perhaps more.

There is a very dangerous curve just about 500 ft. west of me, near Sarver lane, and I wonder if you are taking the curve out of Deer Springs Road.

Arland Turman uses Nason Larson's driveway, so they need to be 300 ft. from your entrance, as well as 300 ft. from mine.

If you are intent on destruction of our lifestyle, and 17 years of hard work, spending upwards of \$500,000 in various improvements to the property, I did mention you could start your bidding at \$4 million. I would need 18 months to find replacement property, as I would be moving my tree business, nursery, as well as 72 years of collections. The move would take time and money as well. I can never replace the trees, the life style I once had, before your developer decided to ruin our valley.

I read the article in NC Times today, where the trips per day was less than half the actual trips. I am the worst affected by your too close entrance, as I can never get out and turn left, to go to my doctors, or hospital, or dentist, due to your traffic. This is life threatening.

Second generation Californian, I must say you have driven me to Arizona, but you have not won your case yet. Stonegate is not welcome, and our citizens have so stated. However, after the Kelo case in Connecticut, where land was taken eminent domain from homeowner and given to a greedy developer, we no longer have faith in the government.

The potential fires, floods, deaths, from this dangerous overcrowded environment you are creating, makes the residents very sad. The rattlesnakes that are disrupted could threaten the lives of residents and their animals, not that Stonegate cares.

At least, please send the maps that you promised, and I am still at the AZ location, fixing up my house here, knowing I may need to leave California soon. Thanks to Stonegate. Sincerely, Pauline Hadley

Stocks, William

From: Pauline Hadley [paulinehadley@sbcglobal.net]
Sent: Sunday, February 26, 2006 12:05 PM
To: Stocks, William
Cc: karen binns
Subject: 300 ft. setback from existing driveways

William: If the proposed new entrance to Stonegate is only 215 ft. east of me, the left turn lane will be packed with cars waiting to turn left to get to their 2700 homes. (They want to make Deer Springs Place, an easement, into a major highway!)

I am sure that is why the engineer who mentioned 300 ft. setback from driveways, was correct. I feel it should be more for the traffic jams we already have there.

If I wanted to go to I-15, I would have to turn right, drive a mile to Twin Oaks store, turn around in their parking lot, then drive a mile back past my driveway, to get to I-15 and my doctor, dentist, all down I-15.

Or, I could just drive out into the road, blocking west bound traffic, waiting for a break to come, and be hit by autos? Could not call for emergency help, cell phones don't work there.

I feel certain that both Larsons and I need to have 300 + ft. setback from this intersection with such heavy traffic, signals, etc.

I also feel Perring did not check this out before he purchased Kim and Clark for \$3.2 million, now Smith for ??? and still he is not meeting safety requirements.

That is why we have rules for new highways, that block residents from getting in or out of their driveways. Creating such a hazard. This perhaps falls into the hands of "safety"???

If it is unsafe to venture out of your driveway, due to Stonegate, allowing a new road there is a public safety issue.

Also, since cell phones don't work at my driveway, a dead area, we could not call an ambulance when hit. If you are on a cell phone and approach my driveway, you are cut off, a dead area. Everyone who house sits, remarks about this also.

Pauline Hadley

27653 Alps Lane
Escondido, Ca. 92026

February 26, 2006

RECEIVED

FEB 28 2006

Department of Planning and Land Use
5201 Ruffin Rd., Suite B
San Diego, Ca. 92123

San Diego County
DEPT. OF PLANNING & LAND USE

Dear Sirs:

Re: Merriam SPTM 5381

My husband and I have learned of this community which is being planned called Stonegate by Merriam. We are greatly concerned for many reasons.

The fact that 2700 families will be moving in to a condensed area and have limited entrances and exits from the housing development, except for Deer Spring-Mt. Meadows Road is unacceptable. We know the developer plans to double the road and expand the freeway bridge, but this is still insufficient. The area is large, but we live in this area, and the usable land is not very accessible.

The fact that this area is now served by a Fire Department that is stretched is well known. We have voted in extra taxes to try to pick up the slack. Another Fire Station and one they pay for entirely would be expected, in addition to paying the additional taxes that are now in place for the community. And they need to cut the number of families in half at least. The number needs to come down to 1400.

The reason we say 2700 is too large a number is, right now, all the members who are presently served by the Fire Department right now, do not add up to 1400.

There is already a burden in our area on water. Recently, we had to cut our water use, because of some needed repairs. Educating 2700 new homeowners on low water use is a necessity. How can this be accomplished? The number is too great for the area and the water system. The maintained fire break areas will require a large amount of water usage.

When we looked at the plan the developer showed us, the low income housing was segregated and had a view of the freeway. This certainly didn't seem to be an integrated way for creating a community. Developers know many ways to fix things and make them aesthetically pleasing. Certainly, people don't have to look at the freeway traffic.

There can be other roads placed in this housing community. There can be access roads onto

Buena Creek for instance.

We keep coming back to the number of 2700 homes in a tiny area. And there is no access for these families to get in or out. So, there is a massive tie up and this slows down many who already live up here or are just driving through. It is simply a traffic nightmare. It must be addressed before it occurs. It must be addressed on the access roads on either side of Rt. 15, meaning Champagne Blvd. and Mesa Rock Road.. And it must be addressed across Deer Springs-Twin Oaks Road between I- 15 and Rt. 78.


The density of individuals that this creates to this small area considerably changes the entire community. We oppose this amount of population to the small area. We know these individuals want to build on the land. But, what they are proposing is way out of line. It must come into proportion with what exists in the area. And, the developer needs to be ready to pay for the services they expect to be able to tell the people their community will be providing. Not just build a house and say, there it is.

The developer talks about walking trails, but the altitude of these trails climbs 500 ft. in a small amount of space. This is not really that much of a casual walk. We live in the area. We know it is a great deal of boulders and chaparral. It's rough trail hiking.

These are not public parks. The parks that are planned are private. There is no parking planned for those who do plan to hike. The City of Escondido planned parking for Daley Ranch's hiking trails, this is an example to the Merriam folks.

Please ask them to address these realities. These are safety issues.

Sincerely,


Catherine M. Tylka



Richard L. Dascomb

RECEIVED

FEB 28 2006

San Diego County
DEPT. OF PLANNING & LAND USE

February 26, 2006

Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA
92123

Dear Sirs:

Re: Merriam SPTM 5381

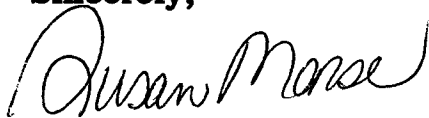
I am concerned about the community that is being planned, Stonegate - Merriam Mountain. I understand the density of this proposed project is in direct violation of the current General Plan for the area.

I understand that the proposed "20/20" county-wide General Plan which specifies very minimal density for this area is being overlooked.

As we saw in October/November, 2003, fighting fires in this area is difficult at best, given the current resources and terrain. Lives were lost. Adding a density of 2700 family population into this area does not make sense. Water resources are already limited. Safety is a issue.

Your mission statement talks of safety, quality of life and planning. Please register my concern and objection as a North County resident and home owner in Vista, CA, that the proposed Stonegate - Merriam Mountain does not embrace DPLU mission.

Sincerely,



Susan Morse
2828 Foothill Drive
Vista, CA
92084

Stocks, William

From: Pauline Hadley [paulinehadley@sbcglobal.net]
Sent: Friday, February 24, 2006 9:40 AM
To: Stocks, William
Subject: set back from existing driveways

Bill: I am sure you know where I can find the written rule on this, altho I had an engineer in California inform me that set back from existing driveways, for new major road, was 300 ft. minimum.

Stonegate is trying to take the Smith easement, that serves 4 or 5 homes, and turn it into service for 2700 homes, creating a major road.

They are not 300 ft. from my driveway, more like 225 ft.

Stonegate tried to buy Larson's property, as seems they would have to close that driveway also, to have 300 ft. from Larsons.

All I need to have is the place to ask, perhaps on line, the required setback from existing driveways, for new "major roads" that service over 2000 homes, for example. I do appreciate your guidance of this. Pauline Hadley

Stocks, William

From: Pauline Hadley [paulinehadley@sbcglobal.net]
Sent: Friday, February 24, 2006 9:37 AM
To: Stocks, William
Subject: PERRING CAN'T COUNT

Dear Bill,

When Karen Binns read off the condos going on Kim, Clark, and Smith properties that Stonegate is buying or has bought, I quickly added them in my head to 120. However, since Joe Perring has shortcomings in his "math", he had put them at total 105. Karen called him on this, and he said he would resubmit maps to her, and after she prodded him, he said he would submit corrected maps to the county as well.

I am not sure that this error was unintentional, so just watch Perring.

Pauline Hadley

Stocks, William

From: Royalviewranch@aol.com
Sent: Friday, February 24, 2006 8:30 AM
To: Stocks, William
Subject: Stonegate/ correction to condos

Dear Bill, My name is Karen Binns and my property abuts the Stonegate development. They abut me to the south, west, etc.

The maps Joe Perring left with me this past Wednesday (Feb. 22, 2006) are not correct as to the number of condos proposed in neighborhood 2, planning area 6. At 3 Sponsor group hearings in Twin Oaks, Bonsall, and Hidden Meadows he has stated there will be 105. The maps he left me which are 2 smaller maps as well as the maps that went to the county on page 16 all show 120 condos. I called Joe Perring a few minutes ago and he stated that he was not aware of the discrepancy, that it should be 105 condos, and he will make the changes.

I want you to be aware of this discrepancy. Thank you.

Sincerely,
Karen Binns
2637 Deer Springs Place
San Marcos, CA 92069
760-744-5916

2/27/2006

Stocks, William

From: Pauline Hadley [phadley@mac.com]
Sent: Thursday, February 23, 2006 2:34 PM
To: Stocks, William
Subject: turning easement into 13,000 autos a day?

Dear Mr. Stocks,

My feeling on Stonegate turning Deer Springs Place in to a highway, causing more congestion on Deer Springs Road, an F road, goes without saying. I just learned this today from a neighbor who met with them last night.

When Rod Bradley of Fuscoe Engineering, mentioned a new road had to be 300 ft. from existing driveways, I found that interesting. Joe Perring tried to talk me into changing my driveway, but for many reasons that was not acceptable to me.

Stonegate first bought Kim property, just east of me, that is only 200 ft. wide. That did not set them away from me 300 ft. Therefore, they decided that since Deer Springs Place had been allowed, for 5 homes, that perhaps they could change that to 2700 homes?

Stonegate then purchased the Clark property, which was behind the Kim property on Deer Springs Road. This gave them a ten foot easement to Sarver Lane. Sarver Lane had refused to give them rights to use their road, and Sarver consists of many small easements, as does Deer Springs Place.

Seems Joe Perring has talked with Plant Specialties, and is no doubt giving them also treble what they are worth, to turn them into a highway.

Perring also is taking 12 acre easement rights from Pizzuto property. Pizzuto wants to do a lot split, so he won't show the easement on his plans, which was quite embarrassing for Rod Bradley, who had not been informed, who was doing engineering for Fuscoe Engineering, the firm that Stonegate works with.

Seems Stonegate wishes to build over 100 condos on 7 acres of land, on Deer Springs Road, but won't give us any maps as all of his plans are "conceptual". I have 4.8 acres, and wonder if I can also build out 14.8 units per acre???? 3 stories high??? to match his????

The ridge line destruction, has been answered with 3 story condos, next door, with 14.8 units per acre on land that is Ag 70.

Since there is this requirement of being away from driveways of 300 ft., for a new road, Stonegate is now in escrow with Smiths, east of Kim, as their two parcels equal over 7 acres, and they have frontage. However, if they meet the 300 ft. requirement, to stay away from me, that puts them too close to Larson, their neighbor. Stonegate has also tried to buy Larson, but no deal.

Stonegate has set the value of the properties very high, paying \$1.7 mil for Kim, two years ago, undeveloped run down plastic covered greenhouses, no view, a gully. \$1.5 mil for 3.4 acres Clark dumpy house in gully also.

I let them know that I have sunk huge sums into my property, and recently had my exposed aggregate concrete driveway widened a tad to accommodate 35 and 40 ft. motorhomes. Turning areas, etc. If they pay 3 times the "then appraised value" of the land, then I let them know they could start their bidding at \$4 million.

They know I have land use attorneys at my fingertips, and will fight their ideas. They make appointments, then don't show up, and 14 months later now have "new plans".

It appears to me that they have not studied the requirements, before purchasing some of these lands. Mainly, the 300 ft. rule.

Perhaps they feel that since Deer Springs Place services 5 homes, Blalack, Binns, Smith, Clark, Pizzuto, that 2700 homes is just fine?

None of us want them to ruin our peaceful valley, and we wonder if they are going to have success in doing it.

They promised me drawings, in the mail, a week ago, and I let them know my AZ address where I am for another month...nothing has come in the mail.

Just wanted you to see the various attempts Joe Perring is making to create roads thru agricultural lands, ruining our life style.

It appears he has not read the rule book before placing huge roads 20 ft. from a driveway????

One other thing, they figure 2.8 people per house, so only 8000 autos for 2700 homes? We know 10 trips per day is the traffic that they create, with visitors, gardeners, visitors, repairmen, deliveries, pool service, meter readers, plus our own in and out activities. 27,000 trips a day?
On Deer Springs Place, 60 ft. wide????

Pauline Hadley

Pauline Hadley
Mail to:
306n W El Norte Pkwy #423
Escondido, Calif. 92026

Phone 760 471 1122
fax 760 744 1994
email: phadley@inetworld.net

in Arizona:
290 Red Butte Drive
Sedona, AZ 86351
phone: 928 284 0944
fax: 928 284 5795

Stocks, William

From: Pauline Hadley [paulinehadley@sbcglobal.net]
Sent: Wednesday, February 22, 2006 1:37 PM
To: Stocks, William
Cc: karen binns
Subject: STONEGATE 2700 HOMES NOW

From: phadley@mac.com
Subject: STONEGATE FEB. 2006
Date: February 16, 2006 11:30:30 AM MST
To: From: phadley@mac.com
Subject: STONEGATE FEB. 2006
Date: February 16, 2006 11:30:30 AM MST
To: From: phadley@mac.com
Subject: STONEGATE FEB. 2006
Date: February 16, 2006 11:30:30 AM MST
To: william.stocks@sdcountry.ca.gov

Dear Mr. Stocks,

I had a phone call from Kristen Byrne, regarding the Stonegate project, and it seems they are also buying the 7 acres on Deer Springs Road, just east of the Kim lot they bought two years ago, and planning to put of townhouses on it. We are A-70 with one house for 5 acres, and this density is a true insult to our lifestyle. Now their project has grown from 2391 to 2700 homes, and breakdown as follows:

976 single family

270 Multi family

1444 variable, townhouses, etc.

If the density is 15 homes per acre, this ruins our area, that is already too overcrowded. 27,000 trips a day on the "F" road, Deer Springs, that is bumper to bumper already, at peak hours. We won't be able to safely get out of our driveways. I don't know how many feet from my driveway this intersection is going to place itself, under Stonegate's new plan.

They (Joe Perring and Kristin Byrne) are mailing to me their maps, as they want to be "good neighbors" they said. I am at my AZ address, named below, as the ruination of my lifestyle and peaceful and quiet atmosphere are being totally destroyed.

I just finished improving my property, resurfacing a driveway in exposed aggregate, that is 1000 ft. long and about 18 to 20 feet wide, that had been washed out in spring rains last year. I think we had 16".

I suppose this means I can get the same zoning as my neighbor, and can sell to a developer who wishes to further congest the area? I know I certainly cannot stand living there under the conditions we face with Stonegate.

It is a shame, being born in Pasadena, raised in Arcadia, retiring in San Marcos, to be insulted in this way. Luckily for me, I have the funds to relocate, altho leaving Escondido area where my children are is emotionally hard to do. My father was born in Riverside, lived in California his whole life, founded Hadley Fruit Orchards, and died in Banning, Calif. Between our president selling off our national

2/24/2006

forests, and Stonegate ruining our valley, seems we may find Sedona, Arizona, a welcome place to retreat to? Seems wrong this is happening somehow.

Stonegate has certainly taken my home from me, and seems that they are being allowed to ruin our lifestyle? Whom can I speak to on this, besides you, to find out what the future holds for the country residents that are being driven away with this "developer" who cares nothing for our lifestyle?

I have been informed that "money talks" and that Stonegate can offer more in taxes, to the county. In this country, we now see our land being taken from us "eminent domain" and given to developers who can pay more tax, so perhaps there is no recourse for us?

The fire hazards, destruction of natural environment, impact on our lives, seems to be accepted by the county?

Perhaps Hong Kong is coming to our valley?

At any rate, I do not mean to personally insult you, but you can see the horrible position we have been put in. I have enjoyed the last 18 years, before Stonegate, and it was a pleasure spending \$500,000 on fixing up the place, tiling the pool, and making it a "heaven", only to have Hong Kong next door. Thank goodness the Hadley Trust, and my personal earnings, gives me funds to escape to Sedona, but I do feel sad that others do not have that opportunity. All I see ahead for the area is total disaster.

Sincerely,

Pauline Hadley

Pauline Hadley

Mail to:

306n W El Norte Pkwy #423
Escondido, Calif. 92026

Phone 760 471 1122

fax 760 744 1994

email: phadley@inetworld.net

in Arizona:

290 Red Butte Drive
Sedona, AZ 86351
phone: 928 284 0944
fax: 928 284 5795

Dear Mr. Stocks,

I had a phone call from Kristen Byrne, regarding the Stonegate project, and it seems they are also buying the 7 acres on Deer Springs Road, just east of the Kim lot they bought two years ago, and planning to put of townhouses on it. We are A-70 with one house for 5 acres, and this density is a true insult to our lifestyle. Now their project has grown from 2391 to 2700 homes, and breakdown as follows:

976 single family

270 Multi family

2/24/2006



*Serving the communities of Castle Creek, Champagne Village, Deer Springs,
Hidden Meadows, Jesmond Dene, Rimrock, and the Welk Resort*

28993 Mountain Meadow Rd., Escondido, CA 92026
760-751-1111 DeerSpringsFireSafeCouncil.com

May 25, 2005

RECEIVED

MAY 31 2005

San Diego County
DEPT. OF PLANNING & LAND USE

William Stocks, Project Manager
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123

Ref: Merriam SP, TM 5381

Dear Mr. Stocks:

The Deer Springs Fire Safe Council is an independent, non-profit California corporation whose mission is to preserve lives, property and natural by mobilizing all residents to make their homes and neighborhoods fire safe. Our objectives are to educate residents of the Deer Springs Fire Protection District regarding fire safety, mitigate future wildfires, enhance fire district capabilities, and facilitate an emergency response team.

In light of these goals and objectives, the Council has reviewed the Merriam Specific Plan Draft Environmental Impact Report, TM 5381 and has noted many critical issues that need to be addressed.

Section 2.2 – Public Facilities

Water and sewer improvements obviously need to be made coincident to home construction while recreation facilities can be delayed until after occupancy permits are issued. The provision for fire protection must be in place prior to the issuance of the first occupancy permit.

Section 2.4 Public Safety

Identification of the existence of the fire district and Sheriff Substation cannot infer that they are adequate to support this development.

Section 3.4 Project Objectives/Community Design

A fire-safe community is much more than defensible space. Consideration must be given to foliage, road design, resident education, and fire protection.

Chapter 6 Circulation

Residents in Phase III wishing to travel south to San Marcos and Route 78 will most likely use Rock Bluff Lane. A large portion of the Average Daily Trips (ADT) from this phase needs to be calculated and applied to this road. It is suggested that the 28-foot width of Rock Bluff Lane will not be adequate

and that it should be increased to at least 32 feet wide especially taking the 20-degree slope of major portions of the road.

Similarly, North Tank Road is meant to serve as a rarely used exit road given its 28-foot width and 20-degree slope. Residents from both Phase II and Phase III will most likely use this road when traveling north from the project. They will choose to avoid driving four miles out of their way by exiting to Lawrence Welk Drive and then northerly on Champagne Blvd. The circulation element must reconsider the projected volume of traffic on this road. This road should be increased to at least 32 feet wide.

Section 7.2 – Fire Protection Facilities

The brush clearance easement of 10 to 25 feet on either side of the project roads is not adequate especially with the stipulation that vegetation is only thinned in these areas and not entirely cleared. Due to the extreme fire danger of this area and the limited number of exits, clearance should be at least 200 feet depending upon slope.

Brush clearance of 185 to 225 feet from structures is not adequate given the great number of steep slopes especially given the design of thinning this area instead of totally clearing it. Two hundred feet of cleared level land is tremendously safer than a thinned area with a 50 degree slope.

The March 28, 2004 issue of the Union Tribune has identified Merriam Mountains as an extreme fire danger area. The area would be destroyed in two out of three scenarios identified by the California Department of Forestry and Fire Protection. Exceptional provision must be made for the next wildfire. It is not a question of IF but WHEN.

The project plan does not discuss the obligations of the new homeowners association with regard to maintaining the brush clearance easement.

The addition of almost 2,400 homes to the fire district translates into a 50 percent increase in the district's structures. The existing station on Mesa Rock Rd. cannot be expected to service Merriam Mountains in addition to their existing service area. Provision must be made for an additional fire station and associated staff. This new station should be constructed in the commercial area on Merriam Mountains Pkwy. at Deer Springs Rd. The station is to be staffed by three full time professionals 24 hours a day, 7 days a week. The staff would include both firefighters and paramedics. Because this staffing level would not be needed without the Merriam project, it is expected that this project fund both the construction of the new station. The Merriam homeowners are expected to provide for staffing expenses without increasing fire district assessments to existing homeowners.

The existing station on Mesa Rock Rd. would be relocated to another part of the district to provide more appropriate coverage.

Deer Springs Fire Safe Council

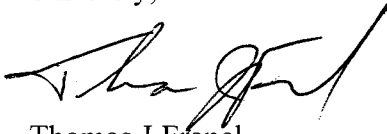
Overall comments regarding the need to be a Fire Safe Community, the Deer Springs Fire Safe Council was formed to transform the entire fire district into a true fire safe community. This objective goes far beyond the brush clearance design specified by the developer. To be successful, residents need to be educated, trained, and motivated. Proper employment of residential plants and clearance of fire prone vegetation from one's own property is extremely important. The Fire Safe Council

distributes quarterly newsletters and education materials to every district resident. Further, the council sponsors quarterly seminars for the residents.

As an added benefit to residents, the Fire Safe Council sponsors an Emergency Communications System that consists of fire lookouts, multiple communications methodologies, and an automated calling tree that can notify residents of an impending emergency in 20 minutes. Special communication connections have been established with the Deer Springs Fire Protection District, CDF, San Diego Sheriff, and the news media.

The funding for the council's activities is solely dependent upon the generosity of the 10,000 residents of the fire district. It is anticipated that an inordinate amount of education and outreach will need to be made to the future residents of the Merriam project. Because the majority of these homeowners will be new to the area, they will most likely be ignorant of the impending danger from a wildfire. It is presumed that the level of effort required will be much higher than other neighborhoods and that the willingness to support the Fire Safe Council financially will be much lower than normal. It is critical to the success of the council's activities that an automatic assessment is made on each homeowner. Based upon prior experience, the Council will need \$10 per home per year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas J. Francel', written over a horizontal line.

Thomas J Francel



Vista Fire Department vehicle followed the only road leading through the rural Hardell Lane area, between Vista and Twin Oaks Valley. The area is proposed for a major housing development, and fire fighters say the area needs many improvements, especially to roads. *Charlie Newman / Union-Tribune*

Preparing for the worst

California Department of Forestry
has three scenarios to help North County
fire crews should blazes break out

By Michael Burge
STAFF WRITER

On a warm September morning, a small spark ignites brush in a canyon near Old Castle Road in Valley Center.

Fanned by Santa Ana winds, the flames grow into a raging fire within minutes, feeding on a vast stand of chaparral.

The fire races southwest up a steep slope toward Hidden Meadows and the

Lawrence Welk Resort, burning well-appointed homes on spacious lots.

Within an hour it reaches Interstate 15, and in less than two hours it charges almost five miles to Twin Oaks Valley Road and threatens San Marcos.

The fire may sound familiar, but it hasn't happened. It is one of three scenarios that the California Department of Forestry has drafted for rural areas in the middle of North County to help fire departments develop attack and evacuation plans.

CDF began studying the scenarios before October's wildfires burned 376,000 acres and killed 17 people in San Diego

County. It has similar scenarios, which it calls incidents, for other areas.

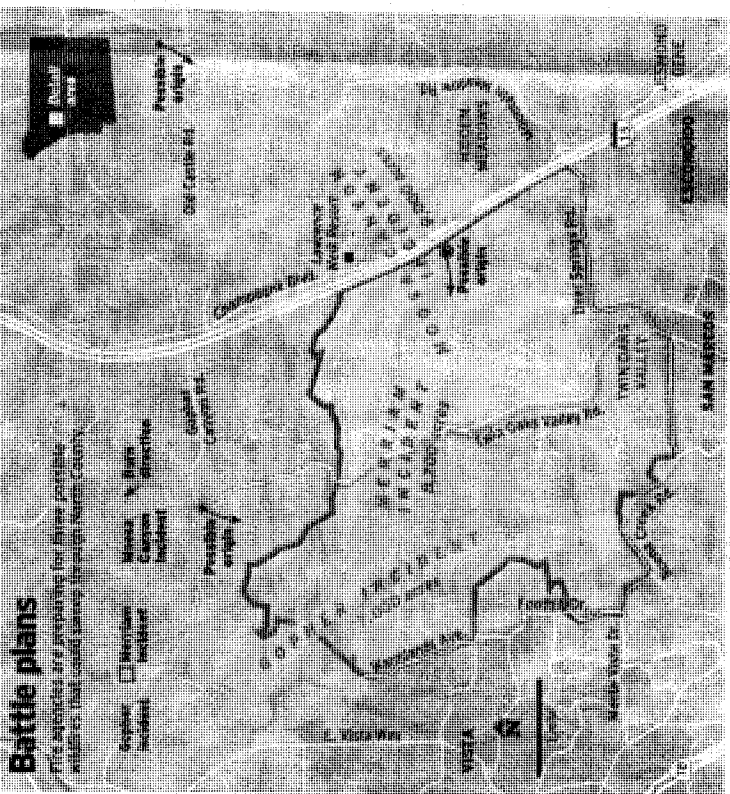
The example called the Moosa Canyon fire, named after the canyon where it would start, could burn 9,000 acres in a 3-by-4-mile area, destroy more than 200 homes and kill four people before it is stopped, the scenario says.

A prediction from the battle plan for the fire says: "Based on past fire history (Harmony Grove fire, October 1996, and Gaviolan fire, February 2002), the residents will not heed the advice of law enforcement to evacuate until it is too late."

"Fire crews will be faced with narrow roadways (congested) with fleeing residents and vehicles, moderate defensible space, low water supply due to demand, little to no air resources due to high winds, dangerous and extreme fire spread and behavior, and the need to protect residents who failed to evacuate."

Brush conditions in the scenario areas are similar to areas ravaged by the Paradise and Cedar fires, where plants grew unchecked for more than 30 years in some places and drought made them tinder dry.

CDF Battalion Chief Kevin O'Leary, who



SOURCE: California Department of Forestry and Fire Prevention

SEE FIRE, Page 3

Stocks, William

From: Stocks, William
Sent: Thursday, March 24, 2005 8:42 AM
To: 'Royalviewranch@aol.com'
Subject: RE: Mirriam Mountain proj

I'll do that.

Bill.

-----Original Message-----

From: Royalviewranch@aol.com [mailto:Royalviewranch@aol.com]
Sent: Wednesday, March 23, 2005 8:01 AM
To: Stocks, William
Subject: Mirriam Mountain proj

Bill, I was wondering if I can be on a mailing list for the Mirriam Mt. project. I thought I signed a list at the Scoping meeting last Aug. My property abbutts the proposed Meadow Park Lane so this project is a major concern to me. Please put me on a list. I receive all correspondence on other nearby projects (T.E.R.I.). Thank you.

Karen Binns
2637 Deer Springs Place
San Marcos, CA 92069
760-744-5916

Stocks, William

From: Stocks, William
Sent: Monday, March 21, 2005 8:07 AM
To: 'bricebossler@cox.net'
Subject: FW: STONEGATE MATTER, MERRIAN MOUNTAIN PROJECT

I'm forwarding to you an e-mail from Pauline Hadley who has had many comments on your project. Please brief me on what you understand are her issues and what you intend to do to resolve them.

Thanks,

Bill.

-----Original Message-----

From: Pauline Hadley [mailto:phadley@direcway.com]
Sent: Friday, March 18, 2005 10:20 AM
To: Stocks, William
Cc: Pauline Hadley
Subject: STONEGATE MATTER, MERRIAN MOUNTAIN PROJECT

--

DEAR MR. STOCKS,
JUST AN UPDATE TO LET YOU KNOW MR. PERRING NEVER GOT BACK TO ME ON HIS PLANS TO CHANGE MY DRIVEWAY FROM 50 FT. FROM HIS PROPOSED MEADOWPARK LANE, WHICH IS ADJACENT TO MY LAND AT 610 DEER SPRINGS ROAD. I WANTED YOU TO KNOW THAT AN ENGINEER, FROM BHA, ROD BRADLEY, (REPRESENTING PIZZUTO ON ANOTHER LOT SPLIT MATTER) SAID A NEW ROAD HAD TO BE 300 FT. FROM EXISTING DRIVEWAYS.

I DON'T KNOW THE LAW ON THIS, BUT SINCE MR. PERRING NEVER GOT BACK TO ME, I SUPPOSE HE HAS CHANGED HIS MIND. DUE TO THE HEAVY RAINS, I AM GOING TO RESURFACE MY 900 FT. LONG STEEP DRIVEWAY, IN CONCRETE, AND ONCE THAT INVESTMENT IS MADE, NO CHANGES ARE TO BE ENTERTAINED.

PERRING SAID HE DIDN'T HAVE TO OFFER ALTERNATIVE INGRESS-EGRESS, THAT HE WAS JUST BEING NICE. I PREFER MY DRIVEWAY AS IT IS, FOR SAFETY, AND CONVENIENCE, IN VIEW OF THE FACT THAT HE DID NOT OFFER WORKABLE ALTERNATIVE PLANS.

I WILL BE EXITING MY DRIVEWAY ONTO DEER SPRINGS, JUST A FEW FEET FROM HIS PROPOSED MEADOWPARK LANE, AND IF YOU ALLOW THEM TO PUT A MAJOR STREET WITH 10,000 OR MORE TRIPS A DAY, I NEED TO CHECK WITH YOU ON THE LEGALITY OF PERRING'S ACTIONS.

THANK YOU.

3/21/2005

PAULINE HADLEY

DEER SPRINGS OAKS

**1299 Deer Springs Road
San Marcos, CA 92069**

March 8, 2006

To: Bill Stocks, San Diego County Planning

From: Don Roberts, President of Deer Springs Oaks Corp.

I talked to you a few months ago concerning the surveying work on Deer Springs Road by Pacific Biological Services for Stonegate/Merriam Corp. Since then I have attended two meetings, one at the Twin Oaks Sponsor Group and the other at the Mountain Meadow Sponsor group. At the second meeting I asked Joe Perrin of Stonegate several questions and received answers from him that I would like to be considered in the next EIR process.

Would you please provide information about the next EIR and the means of having this new information considered during that process?

Thank You, sincerely

Don Roberts

Note: I can be reached at 760-580-5372 (Cell) or 760-489-5372 (Home). I need a pre-call to receive FAX letters. My email is don@don-roberts.com.

From: Pauline Hadley [phadley@mac.com]
Sent: Tuesday, February 28, 2006 8:06 AM
To: DAVID STERRETT NC TIMES
Cc: Rob Peterson; ELEANOR & PAUL FILKINS; karen binns; Stocks, William
Subject: "illegal" entrance to Stonegate?

DEAR DAVID,

HAVING JUST READ YOUR ARTICLE ABOUT MERRIAM MOUNTAINS PROJECT, I AM WONDERING AS TO THE **LEGALITY** OF THE ENTRANCE TO THIS PROPOSED 2700 HOME STONEGATE DEVELOPMENT (MERRIAM MOUNTAINS) . **I CONTEND IT IS ILLEGAL TO BLOCK RESIDENTS FROM ENTERING OR LEAVING THEIR OWN DRIVEWAYS, PLACING HUGE INTERSECTION TOO CLOSE TO THEIR DRIVEWAYS.**

HISTORY: FIRST, PERRING BOUGHT UP ONE LOT ON DEER SPRINGS, 2 YEARS AGO, WE REFER TO AS THE "KIM" LOT, PAID TREBLE ITS FAIR MARKET PRICE, THEN BOUGHT THE LOT BEHIND IT, OVERPAID AGAIN, WITH INTENTIONS OF MAKING THIS AGRICULTURAL LAND INTO A MAJOR HIGHWAY. KIM LOT IS ONLY 200 FT. WIDE. This new highway would "T" into crowded Deer Springs Road, have signals, be major entrance to 2700 new homes!! IT WAS 50 FT. FROM MY DRIVEWAY!!!

PERRING THEN ASKED ME TO "MOVE MY DRIVEWAY" WHICH WAS NOT SUITABLE FOR MY TRUCKS, SO NOW HE IS BUYING NEXT PROPERTY EAST, SMITHS, STILL NOT GIVING US THE REQUIRED 300 FT. SPACE FOR US TO ENTER AND LEAVE OUR OWN DRIVEWAYS.

AN ENGINEER WHOM I HAPPENED TO SIT NEXT TO AT A MEETING, MENTIONED THAT THE SETBACK FOR NEW HIGHWAYS FROM EXISTING DRIVEWAYS, WAS 300 FT. MINIMUM. CAN YOU IMAGINE LIVING ON DEER SPRINGS ROAD, JUST WEST OF THE INTERSECTION, WITH HEAVY TRAFFIC AND SIGNALS, TRYING TO GET OUT AND MAKE A LEFT TURN TO THE HOSPITAL? IN EMERGENCY? OR TRYING TO GET OUT AND TURN RIGHT, WHEN YOU ARE EAST OF IT, WITH TRAFFIC STOPPED IN FRONT OF YOUR DRIVEWAY? THIS IS A TRUE HEALTH HAZARD, AS WE CANNOT GET MEDICAL HELP IN EMERGENCIES!

ON TWIN OAKS, A SECONDARY STREET HAD TO BE CREATED, FOR RESIDENTS TO GET IN AND OUT, BUT DOING THIS ON DEER SPRINGS ROAD WOULD CUT THRU EXISTING HOMES OF SOME RESIDENTS.

IMAGINE A FIRE? 30,000 CARS BACKED UP, SANTA ANA WINDS BLOWING, FIRES APPROACHING, AND NO FIRE TRUCKS ABLE TO GET THROUGH? 1.4 MILES WITH NO ALTERNATIVE ACCESS EXCEPT BY AIR?

IF STONEGATE POSITIONS ITS HUGE INTERSECTION WITH 30,000 AUTOS A DAY, SIGNAL LIGHTS, 300 FT. FROM MY DRIVEWAY, THEN THEY ARE TOO CLOSE TO LARSON-TURMAN DRIVEWAY. I DON'T BELIEVE WHAT THEY ARE DOING IS LEGAL, BLOCKING EXISTING RESIDENTS FROM GETTING IN OR OUT OF THEIR DRIVEWAYS. IF SAN DIEGO

COUNTY ALLOWS THIS, ARIZONA IS LOOKING BETTER AND BETTER TO ME! SO ARE THE MOUNTAINS OF NEW MEXICO!

SEEMS RESIDENTS SUCH AS MYSELF, PAULINE HADLEY, OR TURMAN, LARSON, BINNS, PETERSON, AND OTHERS, HAVE TO ENTER ONTO DEER SPRINGS ROAD. IF THE MAJOR INTERSECTION IS ONLY 200 OR 220 FT. FROM AN EXISTING DRIVEWAY, WITH THE LEFT HAND TURNERS LINED UP, THERE IS NOT A CHANCE TO TURN LEFT, IN EMERGENCIES. WE WOULD HAVE TO TURN RIGHT, TRAFFIC PERMITTING, GO TO BUENA CREEK SIGNAL, TURN RIGHT, THEN TURN INTO PARKING LOT OF THE TWIN OAKS MARKET, THEN TURN GOING NORTH ON TWIN OAKS WHICH CHANGES ITS NAME TO DEER SPRINGS ROAD, AT THE RATHER DANGEROUS CURVE?

I HEAR THAT STONEGATE IS NOW IN ESCROW WITH SMITHS, JUST EAST OF "KIM" PROPERTY, STILL NOT 300 FT. FROM MY DRIVEWAY, AND THAT THE 60 FT. WIDE "EASEMENT" THAT 5 HOMES USE, CURRENTLY NAMED "DEER SPRINGS PLACE" IS TO BE TURNED INTO A MAJOR HIGHWAY, INTERSECTION, SERVING 2700 HOMES, 10 TRIPS PER DAY, 27,000 AUTOS PER DAY? PLUS VISITORS TO THE PARKS? 30,000 MORE A DAY???

I ALSO HEAR STONEGATE TRIED TO BUY UP LARSON. WAS REFUSED. THEY TRIED TO CREATE EASEMENTS THRU OTHER PROPERTY, PIZZUTO, AS WELL. FOR A MAJOR ROAD WITH PERHAPS 30,000 AUTOS A DAY?

SARVER LANE WOULD NOT ALLOW STONEGATE TO ENTER AT THEIR POINT, SO STONEGATE DECIDED TO BUY UP AG LAND, NEXT DOOR TO NEIGHBORS WITH QUIET LARGE PROPERTIES, TURNING THEIR PROPERTY INTO NOISY CORNER LOTS.

MY FATHER WAS BORN IN RIVERSIDE, CALIFORNIA, FOUNDED HADLEY FRUIT ORCHARDS, AND I WAS BORN IN PASADENA, CALIF., AND HOPED TO RETIRE ON DEER SPRINGS ROAD, ACROSS FROM THE WORLD FAMOUS "GOLDEN DOOR". NOW I AM LOOKING AT ARIZONA AS A NICER PLACE TO RETIRE, WITHOUT THE CONTINUAL HARASSMENT FROM JOE PERRING, OF 120 CONDOS NEXT DOOR, AND BREAKING THE SET BACK LAWS MAKING "DRIVEWAYS" AND "EASEMENTS" FOR A FEW AUTOS, INTO MAJOR HIGHWAYS, RUINING THE LIFESTYLE OF THOSE IN THIS AREA. JOE PERRING LIVES IN NEWPORT BEACH AREA, COMES DOWN HERE TO RUIN OUR LIFESTYLE, THEN RETURNS TO HIS SANCTUARY.

HAVING JUST SPENT A SMALL FORTUNE REPAIRING MY LONG DRIVEWAY, MAKING IT EXPOSED AGGREGATE RATHER THAN THE ASPHALT THAT WASHED OUT IN THE RAINS, I PERSONALLY FIND THIS CONTINUAL HARASSMENT OF PERRING AND HIS PROPOSALS MOST UNWELCOME AND STRESSFUL.

THE MAN CAN'T COUNT, PRESENTS MAPS WITH 120 CONDOS CALLING THEM 105 UNTIL I CORRECT THEM, MAKES APPOINTMENTS THAT HE THEN IGNORES FOR 14 MONTHS, GIVES WRONGFUL INFORMATION ABOUT LEGAL SET BACKS FOR HIS MAJOR INTERSECTION NEXT DOOR TO A PRIVATE DRIVEWAY, AND IN GENERAL HAS MADE LIFE FOR US MOST STRESSFUL AND UNPLEASANT. I HAVE OVERHEARD NOTHING BUT NEGATIVE COMMENTS ON PERRING. HIS MATH HAS BEEN FOUND TO BE FAULTY, ALTHO WE CANNOT PROVE IT WAS INTENTIONAL?

WHEN WE LANDSCAPED MY OWN 4.8 ACRES, THE RATTLESNAKES WERE DISTURBED,

AND ONE SNAKE OVER SIX FEET LONG DECIDED TO STAY ON OUR BACK PORCH, UNTIL I HAD MY GARDENER KILL IT. CAN YOU IMAGINE THE SNAKES, SCORPIONS, AND TARANTULAS THAT WE WILL ALL HAVE IN OUR GARDENS, ONCE THIS MOVING OF 12,000 CUBIC YARDS OF EARTH BEGINS? OUR ANIMALS WILL BE IN DANGER, AS WELL AS OUR CHILDREN.

QUOTE: "The study says the new community would add an additional 13,000 vehicles a day, but the improvements to the road would allow it to accommodate 18,000 more vehicles a day."

I DON'T KNOW WHOM GAVE YOU THE NUMBERS FOR THE ADDITIONAL AUTOS, BUT SAN DIEGO COUNTY FIGURES TEN TRIPS PER DAY PER HOME, SO 27,000 TRIPS PER DAY IS CLOSER TO CORRECT THAN 13,000 TRIPS PER DAY. WE MUST ADD TO THAT ALL OF THE PEOPLE COMING TO THE MANY "PARKS" AND "RECREATIONAL FACILITIES" THAT ARE MENTIONED. PERHAPS 30,000 MORE PER DAY?

THEY UNDERSTATED THE TRAFFIC, BUT WE ARE USED TO THIS SORT OF "UNDERSTATEMENT" OF THE TRUE FACTS, AS THIS DEVELOPER JUST WANTS THE \$\$\$MONEY\$\$\$\$\$ AND DOES NOT CARE ONE BIT ABOUT THE LIVES HE IS RUINING.

27,000 IS CLOSER TO ACCURATE, sorry to say, plus visitors of the "parks and recreational facilities" offered. All of these cars dump onto Deer Springs Road. Since all cars dump onto Deer Springs road, we can expect 30,000 more trips per day, and the signals will slow down traffic that already is bumper to bumper twice a day, morning and night.

My answer to Perring is to run an ad to sell my home in the Dubai News, so that people with huge money can fight back? Isn't it a crime that developers with their ruinous plans can destroy what used to be a nice place to retire? My tiled salt water pool, solar heated, the million dollars worth of landscaping is now totally destroyed, with the coming noise and pollution of Stonegate. My "retreat" on top of my hill, with 360 degree views, wind chimes, hot tubs, all ruined with this "insult" called "stonegate". I am personally too upset to return to San Marcos, have stayed away for 3 months, due to this. I am looking for a nicer place to retire, that respects the rights of others, protects us from greedy developers. I hesitate to say where it is, for fear stonegate could ruin this also. However, my mail is forwarded to me. email works also.

Pauline Hadley

Pauline Hadley
MAILING ADDRESS:
306n W El Norte Pkwy #423
Escondido, Calif. 92026
email: phadley@mac.com
CELL PHONE: 760 533 3767
MAIL IS FORWARDED TO ME.

27653 Alps Lane
Escondido, Ca. 92026

February 26, 2006

RECEIVED
FEB 28 2006

Department of Planning and Land Use
5201 Ruffin Rd., Suite B
San Diego, Ca. 92123

San Diego County
DEPT. OF PLANNING & LAND USE

Dear Sirs:

Re: Merriam SPTM 5381

My husband and I have learned of this community which is being planned called Stonegate by Merriam. We are greatly concerned for many reasons.

The fact that 2700 families will be moving in to a condensed area and have limited entrances and exits from the housing development, except for Deer Spring-Mt. Meadows Road is unacceptable. We know the developer plans to double the road and expand the freeway bridge, but this is still insufficient. The area is large, but we live in this area, and the usable land is not very accessible.

The fact that this area is now served by a Fire Department that is stretched is well known. We have voted in extra taxes to try to pick up the slack. Another Fire Station and one they pay for entirely would be expected, in addition to paying the additional taxes that are now in place for the community. And they need to cut the number of families in half at least. The number needs to come down to 1400.

The reason we say 2700 is too large a number is, right now, all the members who are presently served by the Fire Department right now, do not add up to 1400.

There is already a burden in our area on water. Recently, we had to cut our water use, because of some needed repairs. Educating 2700 new homeowners on low water use is a necessity. How can this be accomplished? The number is too great for the area and the water system. The maintained fire break areas will require a large amount of water usage.

When we looked at the plan the developer showed us, the low income housing was segregated and had a view of the freeway. This certainly didn't seem to be an integrated way for creating a community. Developers know many ways to fix things and make them aesthetically pleasing. Certainly, people don't have to look at the freeway traffic.

There can be other roads placed in this housing community. There can be access roads onto

Buena Creek for instance.

We keep coming back to the number of 2700 homes in a tiny area. And there is no access for these families to get in or out. So, there is a massive tie up and this slows down many who already live up here or are just driving through. It is simply a traffic nightmare. It must be addressed before it occurs. It must be addressed on the access roads on either side of Rt. 15, meaning Champagne Blvd. and Mesa Rock Road. And it must be addressed across Deer Springs-Twin Oaks Road between I- 15 and Rt. 78.


The density of individuals that this creates to this small area considerably changes the entire community. We oppose this amount of population to the small area. We know these individuals want to build on the land. But, what they are proposing is way out of line. It must come into proportion with what exists in the area. And, the developer needs to be ready to pay for the services they expect to be able to tell the people their community will be providing. Not just build a house and say, there it is.

The developer talks about walking trails, but the altitude of these trails climbs 500 ft. in a small amount of space. This is not really that much of a casual walk. We live in the area. We know it is a great deal of boulders and chaparral. It's rough trail hiking.

These are not public parks. The parks that are planned are private. There is no parking planned for those who do plan to hike. The City of Escondido planned parking for Daley Ranch's hiking trails, this is an example to the Merriam folks.

Please ask them to address these realities. These are safety issues.

Sincerely,


Catherine M. Tylka



Richard L. Dascomb

RECEIVED

FEB 28 2006

San Diego County
DEPT. OF PLANNING & LAND USE

February 26, 2006

Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA
92123

Dear Sirs:

Re: Merriam SPTM 5381

I am concerned about the community that is being planned, Stonegate - Merriam Mountain. I understand the density of this proposed project is in direct violation of the current General Plan for the area.

I understand that the proposed "20/20" county-wide General Plan which specifies very minimal density for this area is being overlooked.

As we saw in October/November, 2003, fighting fires in this area is difficult at best, given the current resources and terrain. Lives were lost. Adding a density of 2700 family population into this area does not make sense. Water resources are already limited. Safety is a issue.

Your mission statement talks of safety, quality of life and planning. Please register my concern and objection as a North County resident and home owner in Vista, CA, that the proposed Stonegate - Merriam Mountain does not embrace DPLU mission.

Sincerely,



Susan Morse
2828 Foothill Drive
Vista, CA
92084

Stocks, William

From: Pauline Hadley [phadley@mac.com]
Sent: Sunday, February 26, 2006 1:57 PM
To: Kristln Byrne stonegate
Subject: your maps have not arrived

in Arizona:
290 Red Butte Drive
Sedona, AZ 86351
phone: 928 284 0944
fax: 928 284 5795

Dear Kristin:

Nothing has come in the mail, such as the maps you promised to mail to me, showing your intentions in the area. We spoke about 10 days ago and I had the idea you were mailing them soon. You said you were. I would like to know how you are placing the 120 condos, in relationship to my land, how many feet your new street is from my driveway. Kim property is 200 feet wide, and my driveway is 10 ft. from east side of my land. This should help you figure that out. Or your engineers figure it out.

The widening of Deer Springs Road is to be four lanes? Does this include a "turn lane"? How long is the turn lane, if any? In other words, **how can I get out of my driveway and turn left to go to Interstate 15?** What is the timing on the signal? 2 min. for east-west, 30 seconds for turning?

San Diego county has determined 10 trips per day per house, 2700 houses, 27,000 trips. With 2.8 people living in each house, two working adults minimum, there are 4 trips already. Your numbers are off. With 30 cars, 20 to 25 ft. in length, plus space between cars, how can thousands of people turn left and in what time frame without blocking me only 210 ft. away??

I am concerned that I cannot get out of my driveway, which is a safety issue, as cell phones do not work at entrance to my driveway, to call emergency help. If a car hits mine, I cannot call on a cell phone for help, as it is a dead spot. Safety issue. Health and safety.

I have electric gates, and widening of the street will require you making a lot of changes, my gate, entry box, etc. How and when do you intend to cover all of this, and what guarantee that proper space for my vehicle that is 23 ft. long, can enter safely? My driveway is 18 to 20 ft. wide, 1000 ft. long, exposed aggregate new surfacing just completed. (Perring was so show up 14 months ago, never did, so we did driveway over, quite expensive.)

I am in my 70's and emergency vehicles must be able to enter without waiting, due to your heavy traffic.

I believe you established the value of the adjacent properties, in paying \$1.7 for 5.2 acres of vacant land, and \$1.5 mil for small Clark house on 3.4 acres. gulley properties. Deer Springs Place is about 210 ft. from my driveway, which I believe is not allowed. This is not suitable entrance for 2700 homes,

2/28/2006

as you need 300 ft. minimum with signals, etc., 4 lane road, and perhaps more.

There is a very dangerous curve just about 500 ft. west of me, near Sarver lane, and I wonder if you are taking the curve out of Deer Springs Road.

Arland Turman uses Nason Larson's driveway, so they need to be 300 ft. from your entrance, as well as 300 ft. from mine.

If you are intent on destruction of our lifestyle, and 17 years of hard work, spending upwards of \$500,000 in various improvements to the property, I did mention you could start your bidding at \$4 million. I would need 18 months to find replacement property, as I would be moving my tree business, nursery, as well as 72 years of collections. The move would take time and money as well. I can never replace the trees, the life style I once had, before your developer decided to ruin our valley.

I read the article in NC Times today, where the trips per day was less than half the actual trips. I am the worst affected by your too close entrance, as I can never get out and turn left, to go to my doctors, or hospital, or dentist, due to your traffic. This is life threatening.

Second generation Californian, I must say you have driven me to Arizona, but you have not won your case yet. Stonegate is not welcome, and our citizens have so stated. However, after the Kelo case in Connecticut, where land was taken eminent domain from homeowner and given to a greedy developer, we no longer have faith in the government.

The potential fires, floods, deaths, from this dangerous overcrowded environment you are creating, makes the residents very sad. The rattlesnakes that are disrupted could threaten the lives of residents and their animals, not that Stonegate cares.

At least, please send the maps that you promised, and I am still at the AZ location, fixing up my house here, knowing I may need to leave California soon. Thanks to Stonegate. Sincerely, Pauline Hadley

Stocks, William

From: Pauline Hadley [paulinehadley@sbcglobal.net]
Sent: Sunday, February 26, 2006 12:05 PM
To: Stocks, William
Cc: karen binns
Subject: 300 ft. setback from existing driveways

William: If the proposed new entrance to Stonegate is only 215 ft. east of me, the left turn lane will be packed with cars waiting to turn left to get to their 2700 homes. (They want to make Deer Springs Place, an easement, into a major highway!)

I am sure that is why the engineer who mentioned 300 ft. setback from driveways, was correct. I feel it should be more for the traffic jams we already have there.

If I wanted to go to I-15, I would have to turn right, drive a mile to Twin Oaks store, turn around in their parking lot, then drive a mile back past my driveway, to get to I-15 and my doctor, dentist, all down I-15.

Or, I could just drive out into the road, blocking west bound traffic, waiting for a break to come, and be hit by autos? Could not call for emergency help, cell phones don't work there.

I feel certain that both Larsons and I need to have 300 + ft. setback from this intersection with such heavy traffic, signals, etc.

I also feel Perring did not check this out before he purchased Kim and Clark for \$3.2 million, now Smith for ???? and still he is not meeting safety requirements.

That is why we have rules for new highways, that block residents from getting in or out of their driveways. Creating such a hazard. This perhaps falls into the hands of "safety"???

If it is unsafe to venture out of your driveway, due to Stonegate, allowing a new road there is a public safety issue.

Also, since cell phones don't work at my driveway, a dead area, we could not call an ambulance when hit. If you are on a cell phone and approach my driveway, you are cut off, a dead area. Everyone who house sits, remarks about this also.

Pauline Hadley

Stocks, William

From: Pauline Hadley [phadley@mac.com]
Sent: Thursday, February 23, 2006 2:34 PM
To: Stocks, William
Subject: turning easement into 13,000 autos a day?

Dear Mr. Stocks,

My feeling on Stonegate turning Deer Springs Place in to a highway, causing more congestion on Deer Springs Road, an F road, goes without saying. I just learned this today from a neighbor who met with them last night.

When Rod Bradley of Fuscoe Engineering, mentioned a new road had to be 300 ft. from existing driveways, I found that interesting. Joe Perring tried to talk me into changing my driveway, but for many reasons that was not acceptable to me.

Stonegate first bought Kim property, just east of me, that is only 200 ft. wide. That did not set them away from me 300 ft. Therefore, they decided that since Deer Springs Place had been allowed, for 5 homes, that perhaps they could change that to 2700 homes?

Stonegate then purchased the Clark property, which was behind the Kim property on Deer Springs Road. This gave them a ten foot easement to Sarver Lane. Sarver Lane had refused to give them rights to use their road, and Sarver consists of many small easements, as does Deer Springs Place.

Seems Joe Perring has talked with Plant Specialties, and is no doubt giving them also treble what they are worth, to turn them into a highway.

Perring also is taking 12 acre easement rights from Pizzuto property. Pizzuto wants to do a lot split, so he won't show the easement on his plans, which was quite embarrassing for Rod Bradley, who had not been informed, who was doing engineering for Fuscoe Engineering, the firm that Stonegate works with.

Seems Stonegate wishes to build over 100 condos on 7 acres of land, on Deer Springs Road, but won't give us any maps as all of his plans are "conceptual". I have 4.8 acres, and wonder if I can also build out 14.8 units per acre???? 3 stories high??? to match his????

The ridge line destruction, has been answered with 3 story condos, next door, with 14.8 units per acre on land that is Ag 70.

Since there is this requirement of being away from driveways of 300 ft., for a new road, Stonegate is now in escrow with Smiths, east of Kim, as their two parcels equal over 7 acres, and they have frontage. However, if they meet the 300 ft. requirement, to stay away from me, that puts them too close to Larson, their neighbor. Stonegate has also tried to buy Larson, but no deal.

Stonegate has set the value of the properties very high, paying \$1.7 mil for Kim, two years ago, undeveloped run down plastic covered greenhouses, no view, a gully. \$1.5 mil for 3.4 acres Clark dumpy house in gully also.

I let them know that I have sunk huge sums into my property, and recently had my exposed aggregate concrete driveway widened a tad to accommodate 35 and 40 ft. motorhomes. Turning areas, etc. If they pay 3 times the "then appraised value" of the land, then I let them know they could start their bidding at \$4 million.

They know I have land use attorneys at my fingertips, and will fight their ideas. They make appointments, then don't show up, and 14 months later now have "new plans".

It appears to me that they have not studied the requirements, before purchasing some of these lands. Mainly, the 300 ft. rule.

Perhaps they feel that since Deer Springs Place services 5 homes, Blalack, Binns, Smith, Clark, Pizzuto, that 2700 homes is just fine?

None of us want them to ruin our peaceful valley, and we wonder if they are going to have success in doing it.

They promised me drawings, in the mail, a week ago, and I let them know my AZ address where I am for another month...nothing has come in the mail.

Just wanted you to see the various attempts Joe Perring is making to create roads thru agricultural lands, ruining our life style.

It appears he has not read the rule book before placing huge roads 20 ft. from a driveway????

One other thing, they figure 2.8 people per house, so only 8000 autos for 2700 homes? We know 10 trips per day is the traffic that they create, with visitors, gardeners, visitors, repairmen, deliveries, pool service, meter readers, plus our own in and out activities. 27,000 trips a day?
On Deer Springs Place, 60 ft. wide????

Pauline Hadley

Pauline Hadley
Mail to:
306n W El Norte Pkwy #423
Escondido, Calif. 92026

Phone 760 471 1122
fax 760 744 1994
email: phadley@inetworld.net

in Arizona:
290 Red Butte Drive
Sedona, AZ 86351
phone: 928 284 0944
fax: 928 284 5795

Stocks, William

From: Pauline Hadley [paulinehadley@sbcglobal.net]
Sent: Wednesday, February 22, 2006 1:37 PM
To: Stocks, William
Cc: karen binns
Subject: STONEGATE 2700 HOMES NOW

From: phadley@mac.com
Subject: STONEGATE FEB. 2006
Date: February 16, 2006 11:30:30 AM MST
To: From: phadley@mac.com
Subject: STONEGATE FEB. 2006
Date: February 16, 2006 11:30:30 AM MST
To: From: phadley@mac.com
Subject: STONEGATE FEB. 2006
Date: February 16, 2006 11:30:30 AM MST
To: william.stocks@sdcounty.ca.gov

Dear Mr. Stocks,

I had a phone call from Kristen Byrne, regarding the Stonegate project, and it seems they are also buying the 7 acres on Deer Springs Road, just east of the Kim lot they bought two years ago, and planning to put of townhouses on it. We are A-70 with one house for 5 acres, and this density is a true insult to our lifestyle. Now their project has grown from 2391 to 2700 homes, and breakdown as follows:

976 single family

270 Multi family

1444 variable, townhouses, etc.

If the density is 15 homes per acre, this ruins our area, that is already too overcrowded. 27,000 trips a day on the "F" road, Deer Springs, that is bumper to bumper already, at peak hours. We won't be able to safely get out of our driveways. I don't know how many feet from my driveway this intersection is going to place itself, under Stonegate's new plan.

They (Joe Perring and Kristin Byrne) are mailing to me their maps, as they want to be "good neighbors" they said. I am at my AZ address, named below, as the ruination of my lifestyle and peaceful and quiet atmosphere are being totally destroyed.

I just finished improving my property, resurfacing a driveway in exposed aggregate, that is 1000 ft. long and about 18 to 20 feet wide, that had been washed out in spring rains last year. I think we had 16".

I suppose this means I can get the same zoning as my neighbor, and can sell to a developer who wishes to further congest the area? I know I certainly cannot stand living there under the conditions we face with Stonegate.

It is a shame, being born in Pasadena, raised in Arcadia, retiring in San Marcos, to be insulted in this way. Luckily for me, I have the funds to relocate, altho leaving Escondido area where my children are is emotionally hard to do. My father was born in Riverside, lived in California his whole life, founded Hadley Fruit Orchards, and died in Banning, Calif. Between our president selling off our national

2/24/2006

forests, and Stonegate ruining our valley, seems we may find Sedona, Arizona, a welcome place to retreat to? Seems wrong this is happening somehow.

Stonegate has certainly taken my home from me, and seems that they are being allowed to ruin our lifestyle? Whom can I speak to on this, besides you, to find out what the future holds for the country residents that are being driven away with this "developer" who cares nothing for our lifestyle?

I have been informed that "money talks" and that Stonegate can offer more in taxes, to the county. In this country, we now see our land being taken from us "eminent domain" and given to developers who can pay more tax, so perhaps there is no recourse for us?

The fire hazards, destruction of natural environment, impact on our lives, seems to be accepted by the county?

Perhaps Hong Kong is coming to our valley?

At any rate, I do not mean to personally insult you, but you can see the horrible position we have been put in. I have enjoyed the last 18 years, before Stonegate, and it was a pleasure spending \$500,000 on fixing up the place, tiling the pool, and making it a "heaven", only to have Hong Kong next door. Thank goodness the Hadley Trust, and my personal earnings, gives me funds to escape to Sedona, but I do feel sad that others do not have that opportunity. All I see ahead for the area is total disaster.

Sincerely,

Pauline Hadley

Pauline Hadley

Mail to:

306n W El Norte Pkwy #423
Escondido, Calif. 92026

Phone 760 471 1122

fax 760 744 1994

email: phadley@inetworld.net

in Arizona:

290 Red Butte Drive

Sedona, AZ 86351

phone: 928 284 0944

fax: 928 284 5795

Dear Mr. Stocks,

I had a phone call from Kristen Byrne, regarding the Stonegate project, and it seems they are also buying the 7 acres on Deer Springs Road, just east of the Kim lot they bought two years ago, and planning to put of townhouses on it. We are A-70 with one house for 5 acres, and this density is a true insult to our lifestyle. Now their project has grown from 2391 to 2700 homes, and breakdown as follows:

976 single family

270 Multi family

2/24/2006

Stacks

RECEIVED
JAN 10 2005

MARY B. NELSON

2733 SARVER LANE
SAN MARCOS, CALIFORNIA 92069
760-744-5428
760-744-5709 FAX

DEPT OF PLANNING & LAND USE

12-27-04

SAN DIEGO COUNTY
PLANNING DEPARTMENT
5201 RUFFIN ROADRE: FLOODING RELATED
TO STONEGATE MERRIAM
MOUNTAINS DEVELOPMENT

SAN DIEGO, CA 92123

CARYL STORTZ IS THE OWNER OF THE UNENCUMBERED PROPERTY

AT 2733 SARVER LANE, IN THE SAN MARCOS AREA OF THE COUNTY OF
SAN DIEGO. THIS HAS BEEN HER HOME FOR OVER FORTY YEARS.HER PROPERTY IS NOW THREATENED WITH SEVERE FLOODING FROM
THE CONTIGUOUS PROPERTY TO THE EAST, WHICH IS IN A FLOOD

PLAIN. IT IS OWNED BY STONE GATE MERRIAM MOUNTAINS L.L.C.

WHO PLAN A 2300 HOMES DEVELOPMENT TO THE NORTH WITH ACCESS
TO DEER SPRINGS ROAD ACROSS THE EASTERLY PORTION OF THEIR
LAND NEXT TO MRS. STORTZ LAND WITH A FOUR LANE DIVIDED
ROAD AS PART OF THE THE REST OF THAT ROAD.PRESENTLY WHEN IT RAINS ONLY MODERATELY WATER FLOODS MRS.
STORTZ'S LAND ALONG HER EASTERLY BOUNDARY WITH STONEGATE
WITH THE WORST FLOODING AT THIS TIME AT HER SOUTHEAST CORNER
WHERE MUD AND DEBRIS ARE BUILDING UP BEHIND HER FENCETHERE AND UNDERMINING HER FENCE, THE FLOOD WATER THEN
CONTINUES DOWN THE SOUTHERLY SIDE OF HER PROPERTY UNTIL
IT CROSSES OVER ONTO THE CONTIGUOUS PROPERTY TO THE SOUTH
AND FROM THERE ON DOWN TO SARVER LANE. IT THEN CONTINUES
ALONG THE EAST LAND NEXT TO SARVER LANE COMMENCING TO
UNDERMINE IT. ADDITIONAL RAINS WILL BE LIKELY TO ACTUALLY
DAMAGE THE SARVER LANE PAVEMENT. ALL THIS IS VISIBLE.ADDITIONAL STORMS WILL, PARTICULARLY IF THEY ARE SEVERE,
CREATE CONTINUING FLOOD DAMAGE TO MRS. STORTZ LAND AS WELL
AS SARVER LANE.

MARY B. NELSON

2733 SARVER LANE
SAN MARCOS, CALIFORNIA 92069
760-744-5428
760-744-5709 FAX

SAN DIEGO COUNTY FLOOD CONTROL(CONT) PAGE TWO

STONEGATE WAS CONTACTED WITH REGARD TO THESE PROBLEMS BY THE ATTORNEY WHO ACTED ON THEIR BEHALF IN THEIR PURCHASE OF THEIR PROPERTY NEXT TO THAT OF MRS. STORTZ., WITH REGARD TO THE FLOODING PROBLEMS. THE MESSAGE THAT CAME BACK WAS SHE SHOULD LIST HER PROPERTY FOR SALE. SHE CANNOT DO THAT WITH THE FLOODING PROBLEMS UNRESOLVED,

MRS. STORTZ IS 86 YEARS OLD AND HAS ALZHEIMERS. I AM HER CAREGIVER AND IN THIS INSTANCE ACTING ON HER BEHALF TO TRY TO PROTECT HER INTERESTS. I DO HAVE POWER OF ATTORNEY. BOTH MRS. STORTZ AND I WERE PILOTS IN THE AIR FORCE IN WORLD WAR II.

SINCE YOU ARE ONE OF THE AGENCYS THAT HAS TO APPROVE THE PLANS OF STONEGATE WHICH I UNDERSTAND ARE NOW BEGINNING TO BE PROCESSED IT SEEMS APPROPRIATE TO CONTACT YOU AND ASK THAT YOU INVESTIGATE THE LACK OF FLOOD CONTROL PLANNING FOR THE AREA ABOVE DESCRIBED.

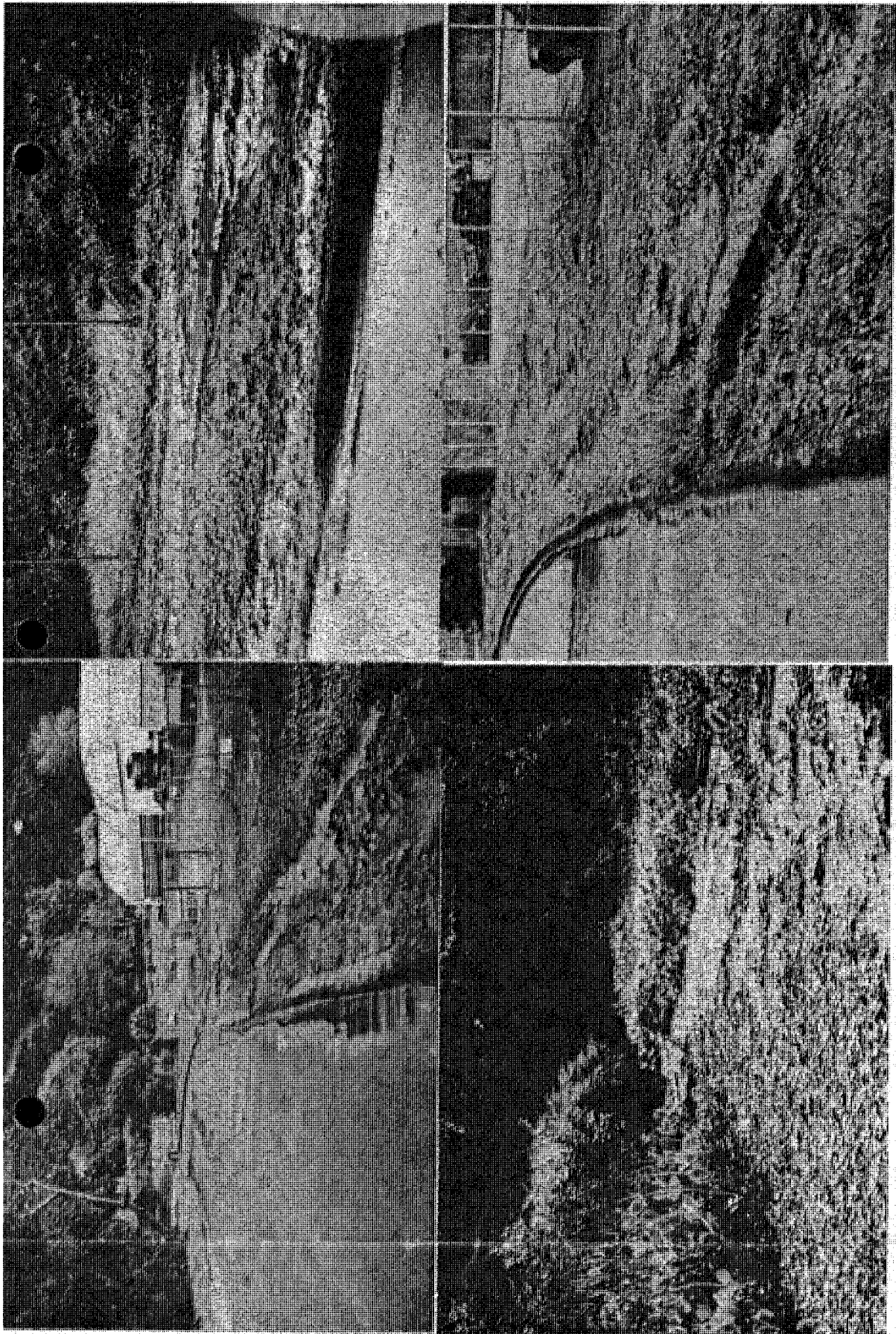
THANK YOU FOR YOUR CONSIDERATION OF THIS MATTER.

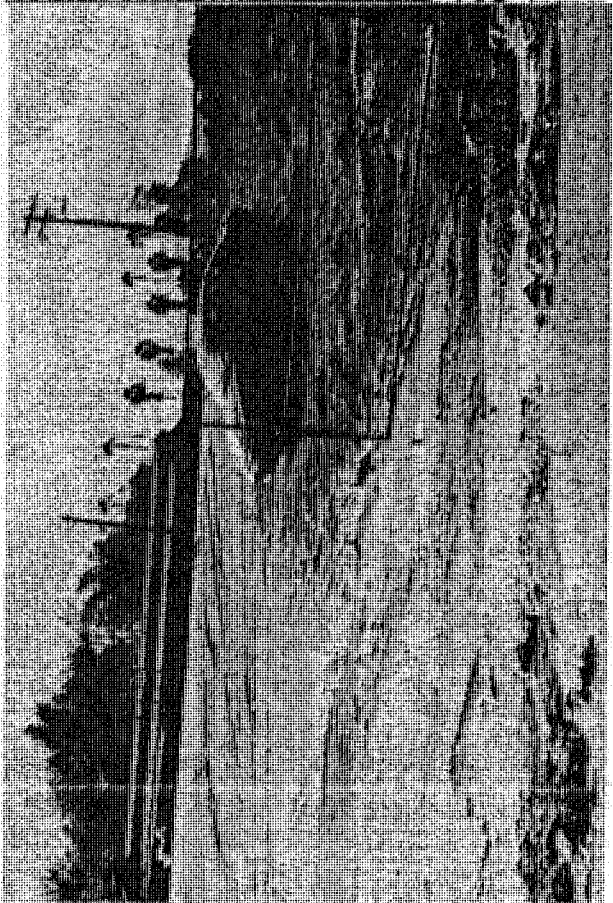
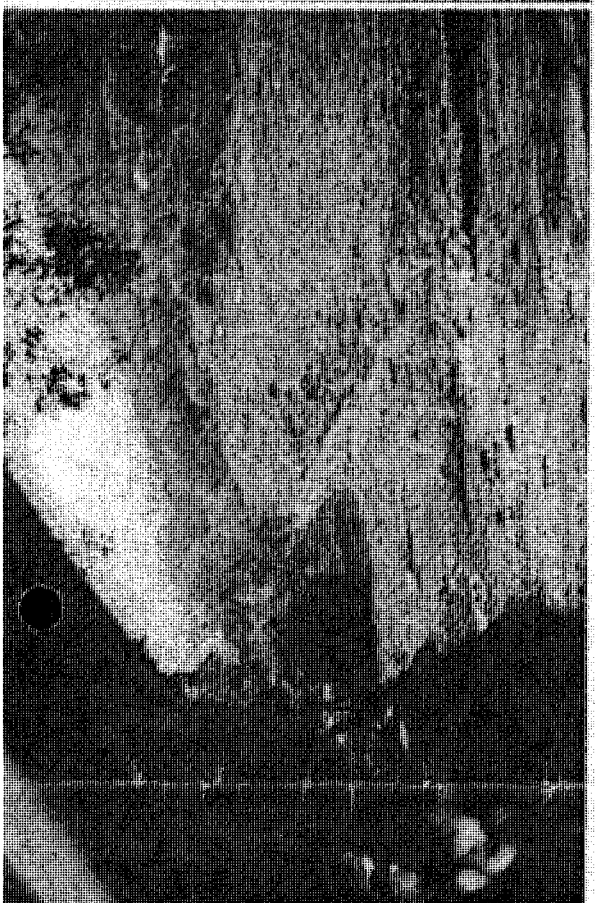
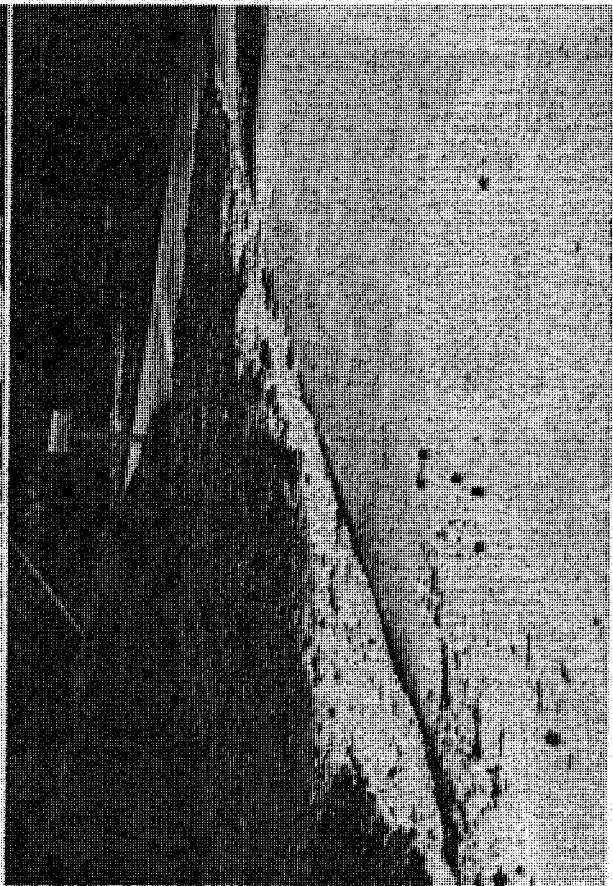
VERY TRULY YOURS,

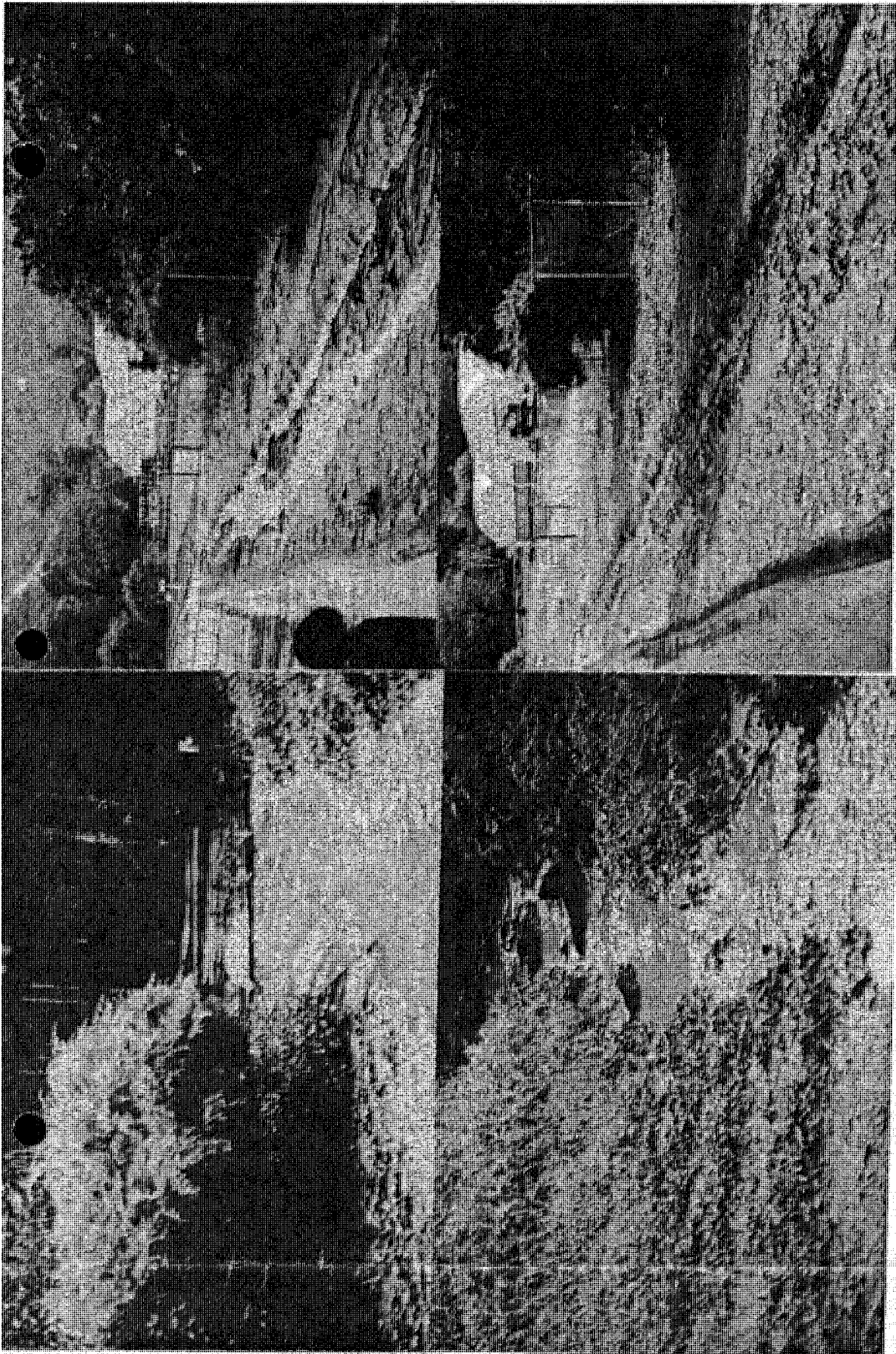
PHOTOS INCLUDED

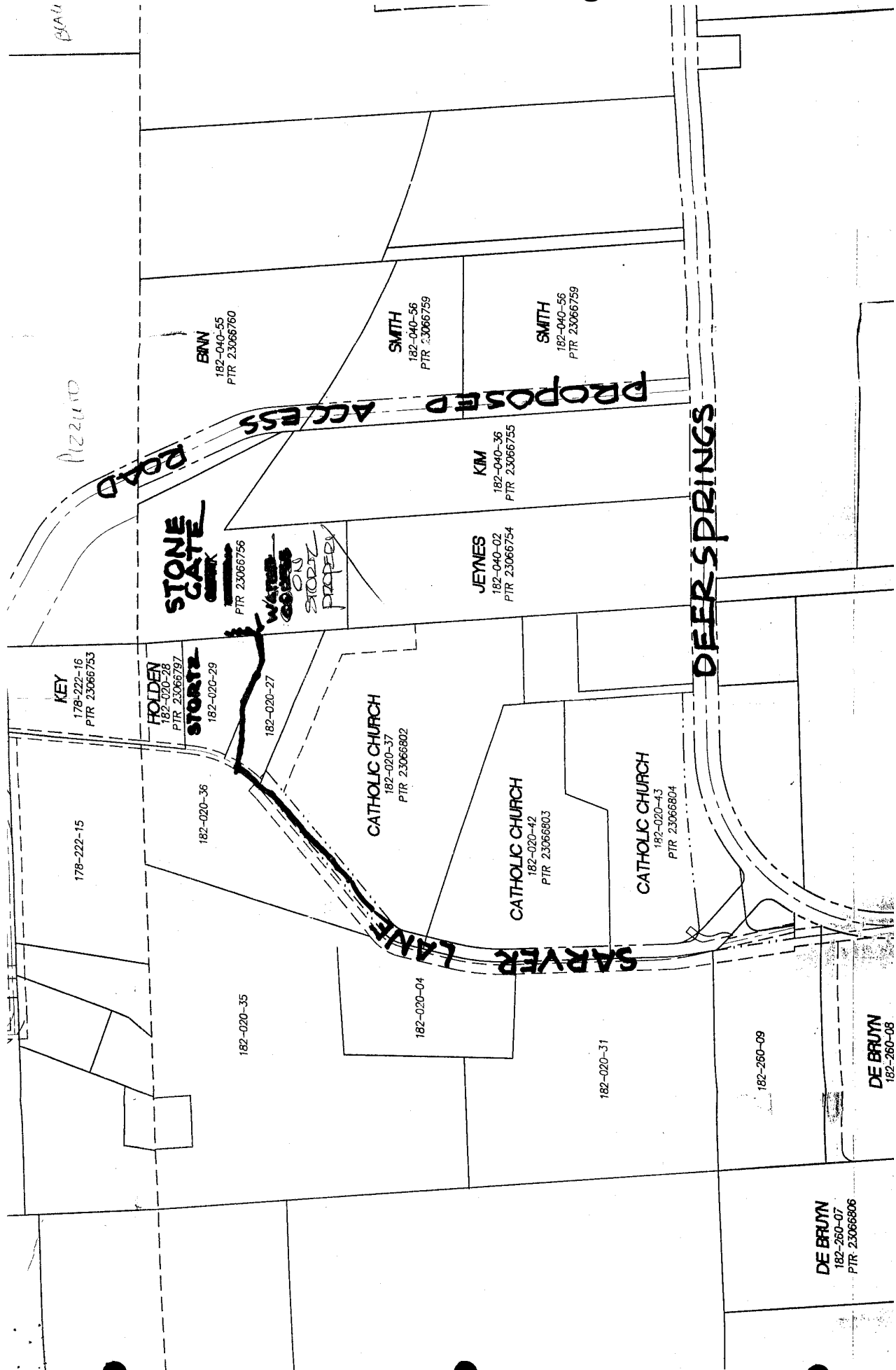
MARY B. NELSON











Loy, Maggie A

From: Stocks, William

Sent: Monday, October 25, 2004 2:36 PM

To: Loy, Maggie A; Blackson, Kristin; Shick, Richard L.; Esperance, Marette

Subject: FW: STONEGATE "EASEMENT"

I'm forwarding an e-mail to you from Pauline Hadley regarding the second southerly access to Deer Springs Rd. proposed by this project. Please be aware of her concerns and advise as to any issues that we should be concerned about regarding this access.

Thanks,

Bill.

-----Original Message-----

From: Pauline Hadley [mailto:phadley@inetworld.net]

Sent: Sunday, October 24, 2004 12:57 PM

To: Stocks, William

Subject: STONEGATE "EASEMENT"

10-24-04

--

DEAR MR. STOCKS:

I WONDER IF YOU ARE AWARE THAT STONEGATE DOES NOT OWN AN EASEMENT TO THEIR LAND, AND THAT THE PARTY, MR. KARL AND SYLVIA PIZZUTO, WHO "PLAN" ON SELLING HIM AN "EASEMENT" ARE NOT SHOWING THIS EASEMENT ON THEIR LOT SPLIT, AS THE EASEMENT IS 12 AC. AND CUTS DOWN THEIR LAND FROM APPROX. 41.25 AC. TO 29.25 APPROX ACRES? THIS TRULY IS NOT AN EASEMENT, CONSISTS OF APPROX. 400 FT. WIDE, 1320 FT. IN LENGTH, WESTERLY PORTION OF THEIR 1320 X 1320 FT. PARCEL. EASEMENTS SEEM TO "RUN THRU" THE PROPERTY, BUT THIS SEEMS A SALE, LIKE A SUBDIVISION WOULD DO. I AM SURE THEY WISH TO TREAT THIS AS "EASEMENT" TO KEEP VOLUME OF ACREAGE FOR THEIR LOT SPLIT.

PIZZUTO LAND IS VERY STEEP, 85% OF IT BEING OVER 25% GRADE, AND UNDER CURRENT LAW, THERE MUST BE A SECOND WAY TO ESCAPE, WHEREAS THEY HAVE ONLY ONE ROUTE IN. THAT HAS NOT BEEN ADDRESSED.

PIZZUTO'S FATHER LIVES CURRENTLY ON A TRAILER ON TOP OF THIS MOUNTAIN. THEY WANT TO BUILD THREE HOUSES UP THERE AS PER THEIR LOT PLANS. HE HAS NO SECONDARY ESCAPE ROUTE.

B & H ENGINEERING CAME TO A LOCAL MEETING, ROD BRADLEY ENGINEER, BUT DID NOT BRING A MAP WITH HIM! GIL JEMMOTT HAD A MAP, AND ALSO HAD THE MAP SHOWING THE 12 AC. "EASEMENT" ON IT. BRADLEY SAID HE HAD NEVER HEARD OF THIS "EASEMENT" AND I HEARD HIM SAY THAT FUTURE MAPS HE WOULD PRESENT, WOULD SHOW THE "EASEMENT". PERHAPS PIZZUTO

10/25/2004

"FORGOT" TO INFORM HIM.

I HAD MY ATTORNEY PRESENT WITH ME, WHEN JOE PERRING AND HIS GAL CAME OVER MONTHS AGO TO 610 DEER SPRINGS, MY HOME, AND I FILMED THE ENTIRE 2 HOURS. PERRING SAID HE HAD AN EASEMENT. SEEMS HE MAY HAVE A PROMISE OF AN EASEMENT? THERE DOES NOT APPEAR TO BE A RECORDED EASEMENT IN COUNTY RECORDS.

THIS IS BECAUSE PIZZUTO WANTS TO GET HIS LOT SPLIT FOR 41.25 AC. THRU FIRST, THEN DO THE "EASEMENT" WHICH APPEARS MORE LIKE A SALE OF REAL ESTATE. GIVING SOMEONE A RIGHT OF WAY OVER THEIR LAND, WHEN IT CONSTITUTES OVER 25% OF THEIR LAND, SEEMS TO INDICATE LOSS OF ACREAGE, FOR SUBDIVISION, OF THE REMAINING LAND, RIGHT?

I HAVE BEEN OF THE OPINION THAT STONEGATE NEEDS THEIR OWN SEPARATE OFFRAMP OFF OF THE FREEWAY, FURTHER NORTH A MILE OR SO, AS IT SEEMS \$7 MILLION PER LAND PER MILE, THE COST? BY THE TIME THEY CHANGE THE EXISTING DEER SPRINGS INTERSECTION, AND THE DISRUPTION DURING THIS CHANGE, TO THE RESIDENTS....PLUS THE WIDENING OF DEER SPRINGS TO ACCOMMODATE 30,000 TRIPS, ADDITIONAL TRIPS PER DAY, ON "F" ROAD, THAT IS ALREADY OVERBURDENED WITH TRAFFIC, NOT ONLY EXPENSIVE, BUT DISRUPTIVE TO RESIDENTS.

IF THEY GO NORTH A MILE, PUT IN THEIR OWN OFFRAMP FOR \$25 MIL, PUT IN THEIR OWN ROADS FOR \$14 MIL, THEY COULD AVOID HAVING THE LONG ESTABLISHED BUSINESSES LIKE "GOLDEN DOOR" HAVE TO CLOSE, OR LOSE BUSINESS.

I LIVE ON DEER SPRINGS ROAD, HAVE LIVED HERE 16 YEARS, AND I AM NOT WILLING TO CLOSE MY DRIVEWAY FOR STONEGATE, AND THEY CANNOT HAVE A ROAD WITHIN 300 FT. OF EXISTING DRIVEWAYS. THEY ARE 10 FT. FROM IT!

MY VISITORS HAVE 40 FT. MOTORHOMES, AND TRUCKS, SEMI TRUCKS, COME TO MY NURSERY, AND I CANNOT MOVE MY DRIVEWAY TO ANOTHER SIDE STREET, DUE TO TOPOGRAPHY AND TURNING RADIUS NECESSARY.

KARL PIZZUTO'S FATHER USED TO LIVE ACROSS THE STREET FROM ME, SIDE OF THE HILL, ON 10.42 ACRES, 401 DEER SPRINGS ROAD, AND THE PIZZUTOS LIKE THIS AREA IT APPEARS. KARL HAS BEEN GIVEN A "STORY" THAT THIS IS A COUNTRY LANE BY PERRING! 20,000 TRIPS A DAY, A COUNTRY LANE? NOW HE LIVES IN A TRAILER NEXT TO AMY BLALOCK, DEER SPRINGS PLACE, WHICH IS CLOSE BY.

WE HAVE NO PUBLIC TRANSPORTATION ON DEER SPRINGS ROAD, AND PUTTING CLUSTERS OF HOUSES WHERE THERE IS NO TRANSPORTATION SEEMS DANGEROUS. DO THESE PEOPLE WALK TO THE MARKET? ON DEER SPRINGS?

I WAS AT LEAST GLAD TO HEAR THE THE WATER TREATMENT FACILITY IS NOT USING LIQUID CHLORINE OR TRANSPORTING IT. MY SALT WATER SWIMMING POOL MAKES ITS OWN CHLORINE WITH TITANIUM PLATE, AND SALT IN WATER. I AM GLAD THEY ARE NOT ENDANGERING OUR LIVES WITH TRANSPORTATION OF DANGEROUS CHEMICALS, WITH SAFE METHODS AVAILABLE.

DON'T YOU AGREE THAT PUTTING ANOTHER 30,000 AUTOS A DAY ON DEER SPRINGS ROAD IS NOT VIABLE?

QUITE FRANKLY, INTERSTATE 15 DOESN'T SEEM ABLE TO TAKE IT EITHER.

I UNDERSTAND PERRING LIVES ON NEWPORT ISLAND, AWAY FROM ALL THIS. THE ABOVE IS MY OPINION ON ALL OF THIS, HAVING SEEN THE MAPS, SPOKEN WITH PIZZUTO AND WITH JOE PERRING, OF STONEGATE. PAULINE HADLEY

--

----- Forwarded Message

From: Pauline Hadley <phadley@inetworld.net>

Date: Sun, 24 Oct 2004 12:21:35 -0700

To: Karen and Alan Binn TOV <royalviewranch@aol.com>

Subject: FW: thinking on Sunday

--

----- Forwarded Message

From: Pauline Hadley <phadley@inetworld.net>

Date: Sun, 24 Oct 2004 12:21:15 -0700

To: GIL JEMMOTT <gil@twinoaks.pizazz.com>

Subject: FW: thinking on Sunday

-- Gil:

I sent this email to Alan and Karen Binns, my neighbors, directly across (east) from me, same elevation. She is very sharp and on top of things in this, attends meetings, and I urge her to put her words in writing to you. Somehow it seems illegal for Pizzuto to give easement, which seems to be a change of zoning, without some sort of approval. Taking 12 acres and putting a major highway thru it, affecting his neighbor's properties (Mr. and Mrs. Key live below him, as per Karen), adversely, seems wrong. I don't think "highway" is an Ag-4 use. If I have

10/25/2004

100 acres, can I give easement to a rock crushing plant to bring heavy equipment thru night and day, annoying my neighbors? We all give utility easements, and perhaps road easements for neighbor with light traffic. (NOT 20,000 CARS A DAY).

I don't think that Stonegate's property is landlocked, as they have highway frontage, don't they?

I am reminded of some of the valleys in Hawaii, some that are only accessible by 4 wheel jeeps, boats, or by air. They grow taro there, and developers stay away.

In Sedona, AZ, there is much of the land that is State land, National Forest Service, that is left natural. PERHAPS STONEGATE CAN TRADE OFF SOME OF THEIR LAND WITH THE STATE OF CALIFORNIA, IF THEY DON'T HAVE ACCESS TO FREEWAY WITH THEIR OWN OFFRAMP.??

There is good reason that Twin Oaks Valley has never had development, as it is not developable at reasonable costs to Stonegate type houses. To dump clusters of houses in one place, then "dedicate" the undevelopable backland, hills, to the county, is such a scam!

The main point I am seeing, is that THERE IS NO EXISTING EASEMENT. Pizzuto won't give it until his lot WITHOUT THE PLANNED EASEMENT is given OK for his houses. THE COUNTY NEEDS TO KNOW OF THIS SCHEME OF PIZZUTOS AND STONEGATE.

I doubt a lot split for 3 houses with two roads in and out, top of a hill, 85% of which has greater than 25% slope, will be given if COUNTY IS INFORMED HE PLANS ON GIVING TWELVE ACRES TO STONEGATE AND CALLING IT EASEMENT. THIS IS REALLY NOT AN EASEMENT, BUT A SALE OF PART OF HIS 41.25 ACRES. (It was 40 acres, 1320 x 1320, but the topography increases it, as per the B & H Engineering drawing that you have.

LOOK UP EASEMENT IN COUNTY'S DEFINITION OF EASEMENT, AND I DOUBT IT INCLUDES A HIGHWAY OF A DEVELOPER. THIS IS A **SALE** OF HIS LAND, 12 ACRES OF IT, TO STONEGATE.

ACTUALLY IT IS A PLANNED SALE, THAT HAS NEVER HAPPENED YET, AS PIZZUTO COULD NOT GET HIS LOTS APPROVED IF THE COUNTY KNEW OF HIS PLANNED SALE TO STONEGATE???????

STONEGATE DOES NOT HAVE ACCESS THRU PIZZUTO MOUNTAIN TO THEIR LAND AS PER CURRENT COUNTY RECORDS. RIGHT? PAULINE HADLEY, CONCERNED NEIGHBOR.

----- Forwarded Message

From: Pauline Hadley <phadley@inetworld.net>

Date: Sun, 24 Oct 2004 11:58:51 -0700

To: Karen and Alan Binn TOV <royalviewranch@aol.com>

Subject: thinking on Sunday

10/25/2004

--

Hi Karen and Alan,
Somehow this entire Stonegate thing with Pizzuto seems a scam to me. First, Stonegate shows an easement on their drawings, but we find out they have not purchased it, that Pizzuto won't give it to them, the 12 acres, until he first is granted 3 lots, on his 41.25 ac.

We see that B & H Engineering does not show the easement, and Engineer said he had no knowledge of it, and future drawings would show it. With his 85% of land 25% or more grade, I doubt 3 lots with one way in, another way out, is going to happen. Seems the law on "escape routes" has changed since Amy Blalock did her house.

Since Pizzuto has his father living up on his land, in a trailer, and my bet is there are no permits for anything, I am sure they are in love with the view, as I think it is quite high there, 1300 to 1600 ft., and no doubt has a lovely ocean view. They seem to have some emotional attachment to the land.

I have talked with Karl a couple of times, and tried to get him to meet with Gil Jemmott, as I feel Stonegate is telling him this easement is a small country road, when there will be noise and pollution from it, ruining his present enjoyment of his property. Karl and Sylvia Pizzuto seem to be taken with Perring, believing Joe's "little country road" story. I have tried to inform Pizzuto that it is not a small country road, but he doesn't seem to grasp what he is doing to our valley. Or pretends not to grasp it.

We have both spoken with Gail Wright, who is the analyst for the Pizzuto property, and she doesn't believe there is this easement, altho you and I have each told her of it. I believe I even emailed her a map of it. She works for the county, and perhaps you need to let Gil know of all this also.

I could have an agreement to do something, but what are the penalties if I don't keep my agreement? I could change my mind. The laws could change, etc.
Pizzuto's father used to own 401 Deer Springs, the house that is huge, in need of repair, directly across Deer Springs from me, consisting of some 10.42 acres, adjacent to Golden Door.

I am wondering if you have Ag4 land, IF IT IS LEGAL TO GIVE A HIGHWAY ACCESS TO 20,000 AUTOS A DAY, ACROSS YOUR PROPERTY, RUINING THE ATMOSPHERE OF THOSE AROUND YOU. PERHAPS WE HAVE GROUNDS TO SUE PIZZUTO AND KEEP HIM IN COURT A FEW YEARS?

It seems to me that Stonegate would have to own Pizzuto's acres, to change the zoning, as this is not a neighborhood easement, for 10 autos a day to cross your

10/25/2004

land, and does affect the Keys, just below the proposed land, who abut it, as you mentioned.

If Pizzuto cannot get his 3 lots out of this, perhaps he will not wish to grant the easement. Pretty sneaky to show one set of plans to the county and another set to Stonegate, and B & H could be reprimanded for this omission, if they are party to it.

I am glad that I sat next to Rod Bradley, BHA, and got his email rbradley@bhaincsd.com and phone 931 8700. He had highlighted Pizzuto in yellow marker on his paper, and came to the meeting, as you recall, with NO MAPS! We had to show him the maps, as Gil had them, and I had the Stonegate map with the 12 ac. marked out, along that night, so Rod Bradley knows he was not showing a correct proposal to the board.

We all know that for \$2 or \$3 million that Pizzuto would sell, and if he had brains to defer taxes, he could do that, but I doubt he understands real estate all that well, 1031 exchanges, and the like. Also, it is "residence" of his father, and he could say father paid him cash rent, for the spot, and 1031 it. I am counting on his love of his land, not to do that. We all love our land and protect it.

If roads cost \$7 million per land per mile (I am going on memory, so not sure of the figure, but this sounds plausible), and if Stonegate would have to spend another \$25 mil on fixing interchange, figure 5 lanes 1.5 mile comes to over \$50 mil to fix Deer Springs and the Interchange at I-15. I am sure for that amount of money they can go up a mile (Cal trans wants off ramps one mile apart) and put in their own interchange and road, for that money.

They avoid the mess of widening a used road, that has daily use, and they could put these "place mat drawings" of scenic intersections, in front of the county, without opposition of the magnitude they have now. They have to stay 300 ft. from existing driveways, and are next door to mine, and should have asked me if it were feasible to change my ingress-egress before buying adjacent land. They used little planning and foresight, thinking they could bulldoze into our peaceful community, pretending to be "beautifying" the place.

They need several escape route for when the fires come, in the chaparral, high winds, and this mickey mouse approach to use clark-kim as ingress-egress seems illegal, especially as they do not have a recorded easement from Pizzuto.

I think I am the one who brought this scheme to Gil Jemmott's attention, having the easement on my map, and not of Pizzuto's map. Then Gil dropped that in the lap of Rod Bradley of B & H, and seems B & H has not attempted to push thru the lot split showing the easement, to my knowledge.

Let Gil know of your talks with Gail Wright, county's analyst for Pizzuto property,

and make it written record.

I think a copy of this needs to go to the county, so they see the scheming of Perring, who has no recorded easement. I am sure Pizzuto won't give easement until his approval is granted. This could take years. There has to be some law on "granting easements" when your development needs certain dedicated acreage for its development. Especially 12 ac. easements for major highways. In granting Pizzuto's 3 house request, NO EASEMENTS SHOULD BE A CONDITION.

Using these tactics, an owner of 100 acres, could get permission for 25 houses, for example, then grant easement that took 80 acres of the land, if it were a long rectangular property! Seems it is a way to get around the zoning requirements.

Pauline Hadley

LAW OFFICE OF WESLEY W. PELTZER

A PROFESSIONAL CORPORATION
2710 LOKER AVENUE WEST, SUITE 380
CARLSBAD, CALIFORNIA 92008
Telephone: (760) 268-0954
Facsimile: (760) 268-1903
E-mail: wwpeltzer@aol.com

October 14, 2004

Maggie.Loy@sdcounty.ca.gov

VIA E-MAIL

Re: *Merriam Mountains Specific Plan*

Dear Maggie:

Our office represents Wyndham, who is the owner of the Golden Door adjacent to the proposed Merriam Mountains Specific Plan Project. Please add our office to your notice list for all proceedings on this project. Our address is 2710 Loker Avenue West, Suite 380, Carlsbad, California, 92008. The telephone number is (760) 268-0954. My e-mail address is wwpeltzer@aol.com.

The notice of preparation of the EIR for this project includes four figures designated as figures 1-4. Would you please let me know as soon as possible where I can secure a copy of each of those figures. When you have a chance, I would like to talk to you about your thoughts on this project. Thanks for your help.

Sincerely,

LAW OFFICES OF WESLEY W. PELTZER

Via E-Mail

Wes Peltzer

WWP:pf

Stocks, William

From: Loy, Maggie A
Sent: Thursday, September 30, 2004 5:10 PM
To: Stocks, William
Subject: FW: Merriam Mt notices

-----Original Message-----

From: Georgia Herman [mailto:glherman@tns.net]
Sent: Thursday, September 30, 2004 4:51 PM
To: Loy, Maggie A
Subject: Merriam Mt notices

Dear Maggie Loy,

Please put me on the mailing list for all future notices regarding the Stonegate Merriam Mt. project.

Send them to:

Georgia Herman
25532 Jesmond Dene Rd.
Escondido, CA 92026

Thank you.

Sincerely,
Georgia Herman
760-855-1641

Loy, Maggie A

From: Stocks, William
Sent: Monday, September 27, 2004 4:06 PM
To: Loy, Maggie A
Subject: FW: stonegate development



Paul Davy
(E-mail).vcf

I'm forwarding to you an e-mail from Paul Davy who has an interest in this project and should receive a copy of the Notice of Preparation. He also mentions the Water Availability Assessment Study. Are the applicant and the Water Districts aware of this requirement? Such a study is required for Harmony Grove Village and Kristin was handling all the coordination on it. She is also the Department "resource" on the subject.

Thanks,

Bill.

-----Original Message-----

From: Davy, Paul
Sent: Friday, September 24, 2004 7:42 AM
To: Stocks, William
Subject: FW: stonegate development

Hi Bill, It sounds like you are the lucky person who can help me. I work for the County Dept of Agriculture where I deal with water quality issues in the Ag sector. I am also on the board at Vallecitos Water District in San Marcos and serve as chair of Encina Wastewater Authority board in Carlsbad so I have an interest in the Stonegate project from several perspectives.

My county position includes responsibility for regulating discharges from ag facilities so I'm involved in overseeing the implementation of BMPs at ag facilities that are in some of the areas surrounding this proposed development. For example there are a lot of nurseries and horse facilities in north Twin Oaks Valley, especially along the spur that goes up towards the proposed Stonegate development. These facilities have a multitude of different discharges including detergents and chemicals they use on horses as well as the leachate from the horse manure, and the nutrients from the nurseries and there's no sewer up that valley. The San Diego Stream Team which I am involved with has done monitoring of San Marcos Creek and the water quality reflects the impacts of these facilities and urbanization in general.

As far as serving Stonegate with sewer, the development is several miles from Vallecitos' system and a development of this scale will also create significant additional demand on our treatment capacity at Encina and push us closer to the day when we will need an additional Ocean Outfall which by current estimations would cost us about \$60 million. My thought is that we could require the developer to construct a treatment and reclamation plant that the district would own and operate this would generate water supply, environmental and economic benefits. It would generate water for irrigation and other purposes within the development and excess water could be discharged to the stream to improve water quality in the stream and in the receiving waters which include Lake San Marcos and Batiquitos Lagoon in Carlsbad. I'm not sure how the Regional Board would view such a proposal but I think it's worth the effort of pursuing this vision I have. I say vision because I actually see the potential for habitat restoration and recreational uses of lands with in the northern end of Twin Oaks Valley if my concept were to reach fruition. This might involve getting the Trust for Public Lands or a similar organization involved and start a conservancy in the northern end of twin oaks valley. etc. etc. (probably more than you need to or want to know)

As this development will be greater than 500 units it is my understanding that the developer will need complete the water availability study and the district may have to do likewise per SB 610 (Costa 2001). Even if San Diego County is exempt I am going to push the district to do this as we like every other water utility in the area will keep telling people there's a reliable supply even when we're rationing water. I kind of look at this water availability study as the point where both the developer and the district can introduce the decentralized treatment and reclamation facility I envision.

I would like to learn more about the development and the county's ability to require or encourage a water availability analysis. As I work in the urban runoff program I'm also very interested in learning about your process for requiring the implementation of structural BMPs to address post construction runoff at a large new development like this. Maybe you could give me a call or I could stop by and you could brief me on the scale and scope of this project and give me your take on the concept I am proposing.

Paul A. Davy
Supervising Inspector
Agricultural Water Quality
San Diego County Dept. of Agriculture
phone: (858) 694-3122
mobile: (858) 967-8614
mailto:paul.davy@sdcounty.ca.gov

-----Original Message-----

From: Shick, Richard L.
Sent: Thursday, September 23, 2004 4:14 PM
To: Davy, Paul
Cc: Murphy, Jeff ; Stocks, William
Subject: RE: stonegate development

Paul:

Allecitos would set the requirements for necessary improvements since the project is in the District. It is the developer's responsibility to provide the will serve letter from the District. DPLU, Bill Stocks is the lead on the project.

Thanks

Lee

R. Lee Shick, Jr.
DPW Project Manager
Land Development Division
Central Project Team
5201 Ruffin Road, Ste D
San Diego, Ca 92123
(858) 694-3235
<http://www.sdcounty.ca.gov/dpw/land/privdel.htm>

-----Original Message-----

From: Murphy, Jeff
Sent: Thursday, September 23, 2004 4:07 PM
To: Davy, Paul
Cc: Shick, Richard L.
Subject: RE: stonegate development

Don't know much about the project, but you can check with Lee Shick in DPW. He is the project manager in that area.

Jeff

-----Original Message-----

From: Davy, Paul

Sent: Thursday, September 23, 2004 2:06 PM

To: Murphy, Jeff

Subject: stonegate development

<< File: Paul Davy (E-mail).vcf >> Jeff, You may not be the appropriate person to ask about this but... if not, maybe you can refer me to the proper person.

There's a development in the works in the San Marcos area called Stonegate. It's located between North Twin Oaks and I-15 up in the hills. I don't know a lot about the specifics but it's a significant development with 2000-3500 units depending upon whom you talk to.

At the water district (Vallecitos) we have given the developer a ready to serve letter or what ever the document is that says if the developer builds the pipes we'll provide the service. I'm interested in knowing more about this project. My interest is primarily in regards to the handling of the wastewater from this project. The district would have to extend pipes many miles I'm not sure exactly how far to serve this locatin.(8-10 miles is my guess) Of course the developer would have to pay for the pipes but then there's the issue of the loads this development is gong to create on out treatment capacity at Encina in Carlsbad. Building a new ocean outfall would cost us \$60 Million I'm told. My thought is that the developer should be required to construct a decentralized treatment facility and have a reclamation facility with tertiary treatment, irrigation of landscaped areas and live stream discharge. the would be numerous financial and environmental benefits to such a system I suspect.

Do you know anything about this project or can you refer me to someone who does?

Paul A. Davy
Supervising Inspector
Agricultural Water Quality
San Diego County Dept. of Agriculture
phone: (858) 694-3122
mobile: (858) 967-8614
mailto:paul.davy@sdcounty.ca.gov

FW: May 15, 2004 Stonegate map I emailed to you

1 of 4

Loy, Maggie A

From: Stocks, William
Sent: Wednesday, September 08, 2004 10:51 AM
To: Loy, Maggie A
Subject: FW: May 15, 2004 Stonegate map I emailed to you
I'm forwarding to you an e-mail from a member of the public, FYI.

Bill.

-----Original Message-----

From: Pauline Hadley [mailto:phadley@inetworld.net]
Sent: Tuesday, September 07, 2004 12:09 PM
To: Stocks, William
Subject: FW: May 15, 2004 Stonegate map I emailed to you

--

----- Forwarded Message

From: Pauline Hadley <phadley@inetworld.net>
Date: Tue, 07 Sep 2004 12:08:50 -0700
To: Gil Jemmott <Jemmott@twinoaks.pizazz.com>
Subject: May 15, 2004 Stonegate map I emailed to you

--

Hi Gil:

re: my map 182 040 02 at 610 Deer Springs Road, adjacent to Stonegate proposed egress-ingress of Meadowpark Lane.

That cut in the land at my guesthouse area, seems to go down 110 ft. and be about 110 ft. away,

9/9/2004

which sounds like 45% cut. Due to the DG we have here, sandy soil, I am very concerned over the integrity of the hill, in heavy rains, as I watch the water run down my driveway in torrents at times. Also we have earthquake concerns. You mentioned this cut, and the "fill" behind the Keyes house.

Karen Binns showed me their house, just below the huge fill they are planning.

I don't know the steps we need to take, but an engineer, such as yourself, can readily see the pending disaster. I don't know at what point we need to get a land attorney involved, do you?

Karen doesn't want to give up her easement thru Smiths property to Deer Springs Road, unless Pizzuto and Blalock give up their easement thru her property also. She and I would have views of huge gorges, and in rains, mud and slides. Weather is different that it used to be, just take a look at the rains in Florida.

I really have enough land here, just don't wish a close neighbor down the hill from guest house, so may ask for that for trees, as it is too small for much else and noisy next to the heavily traffic of road. We need a buffer from the noise.

Speaking of that, with 25,000 to 30,000 trips a day, 1/3 of them coming out Meadowpark Lane, we shall use 10,000 trips a day, and half morning, and half nite. It will take all morning to get them out of the two land road, so I am sure the center will not be in trees and grass, but it will be a huge four lane road by the time they are through.

Here is why: 4800 auto trips in morning, going out thru a single lane, and if light is on half the time, and off half the time, we will use one minute for our example. In one minute, perhaps 30 cars get thru, at 2 seconds per car? Then no cars for next one minute. 30 cars per 2 min. = 900 cars per hour, and 4800 cars, 5 hours gets 4500 thru, so 5hr. and 20 min? If they start at 7, they are thru my 12:20 pm? Then the coming home traffic?

Stonegate will naturally make up "placemat" type drawings of artists conceptions of this and that, but reality is a different story. Take a look at I-15 offramp now, with signals, three in a row, and the backup we already have. Double that congestion and it is a nightmare! Unsafe, as emergency vehicles can't get thru the heavy traffic.

If there is a fire, they all burn!

THEY WILL END UP WITH A HUGE FOUR LANE ROAD, ONE LANE FOR TURNING LEFT, ONE FOR TURNING RIGHT, AS THEY CAN'T GET THRU ON A RED WITH THE HEAVY HEAVY TRAFFIC ON DEER SPRINGS ROAD. TWO LANES GOING IN, TWO OUT, AND THAT COULD CUT THE TIME DOWN TO 2 HR. 45 MIN. TO GET THEM OUT IN THE MORNING?

I don't know a traffic engineer. Do you? They need to study this and explain how this will be handled.

I called Bob Chase, at Fuscoe Engineering, as I have concerns over the depth of the cut next door, and integrity of the DG earth, in this sandy, loamy type soil, in earthquake country. Perhaps they are planning on making it concrete, down about 110 feet of a wall? That will be nice for Karen Binn to look at! And mem!

The only place for Stonegate to enter is Sarver lane, sorry to say, where the terrain is not having to be changed so drastically, and if eminate domain is to be spoken of, for them to take my driveway away, then why not enter where it is level? Sarver Lane? Use eminate domain there?

On Modern Marvels, on History Channel there was a program Engineering Disasters, couple weeks ago. I fear this is another Engineering Disaster about to happen. They do make errors!

Can you find out from BHA Engineering who is doing Pizzuto map, or Fuscoe when they plan on placing their corner Monuments? Project Manager for Stonegate project for Fuscoe is Bob Chase, and TM#5381. Phone 858 554 1500. Clark property is 182 040 69 and Pizzuto is 178 100 07 parcel numbers. Once the monuments are set, we will know where our actual property boundaries are. No surveys have ever been done in this area I am told by surveyors due to the costs. Seems these Metes and Bounds descriptions are very expensive, and Mark Slater of Slater Surveying said around \$10,000 and he is a very fair man. Others would charge double that.

Remember at the last meeting, the Engineer Rod Bradley, who came to represent Pizzuto 40 ac. that is giving the access to Stonegate, and HE DIDN'T EVEN KNOW ABOUT IT? DIDN'T HAVE IT ON THE MAP THEY GAVE TO YOU? PRETENDED NOT TO KNOW, OR WERE JUST DUMB? BRADLEY DIDN'T EVEN HAVE A MAP WITH HIM! WE SURE DID! How can Pizzuto sell us out, give them 12 acres for them to slice up, and still think he is getting three lots out of his very steep land? One road in, one road out? His father lives in a trailer on that property on the top, and the photos I have from others,

FW: May 15, 2004 Stonegate map I emailed to you

Page 4 of 4

show that trailer. Guess that is legal, so long as you dig a hole for the septic! They must get water off of Blalack? or carry it up there?

This masacre of our land is sickening. I am going to Sedona, and available email, and phone (listed)
Pauline Hadley

----- End of Forwarded Message

9/9/2004

Loy, Maggie A

From: Stocks, William
Sent: Sunday, August 29, 2004 12:20 PM
To: Shick, Richard L.
Cc: Loy, Maggie A
Subject: FW: STONEGATE

I'm forwarding to you an e-mail I received from a property owner who lives adjacent to this project. She appears to have concerns over proposed road improvements. If you understand her concerns, I encourage you to respond.

Thanks,

Bill.

-----Original Message-----

From: Pauline Hadley [mailto:phadley@inetworld.net]
Sent: Friday, August 20, 2004 8:17 PM
To: Stocks, William
Subject: STONEGATE

--

DEAR MR. STOCKS,

I live next door to the street that is proposed to be against my east property line, 610 Deer Springs road. I saw on a drawing at a Twin Oaks Valley meeting last Wednesday night, that his street is five feet from my driveway.

My house is 135 ft. above street level, with a long straight driveway to Deer Springs Road. There is also a hump in the road, preventing people from seeing approaching cars from both 610 and 630 Deer Springs Road.

My planned new motorhome is very long, 40 ft., and my daily used vehicle is also extended 8 ft. pickup, about 22 feet in length, long wheel base. I have a tree nursery here, and large trucks need to bring in materials on a regular basis. We also have a large 6 x 4 ft. dumpster at the street for nursery debris. I suppose I am to put that on Meadowpark Lane? EDCO coming twice a week?

Our driveway slopes up, so the adjoining property is in a gully, and we also have drains for flood control between the two properties. Having to lose the visual of people coming on my property is not acceptable. It is

8/30/2004

a security issue as well. The 700 ft. straight driveway gives us good access to all parts of our land. Changing the driveway is not possible.

An engineer told me that a driveway has to be 300 ft. from their new planned intersection. Terrain does not permit their request, and I refuse to have my electronic equipment, various underground electric lines, phone lines, changed to a place where I am blocked from ingress-egress.

My lot is 256 by 850 so even my next door neighbor is not 300 ft. from their intersection. Deer Springs place is about 40 feet from it, a street used by several people that also has electric private entrance, as mine does as well.

At 70 I consider this "elder abuse" and harassment, and will hire attorneys to fight this. It has been dangerous for a long time to make a left turn, certain times of the day, so we often have to go two miles out of our way to make a safe right hand turn.

If my property were flat, and if I were given 100 ft. of land to turn with, it would still be a detriment to my property. This project will decrease the value of my property by \$400,000 minimum. It is \$1.2 mil now. When we buy with AG-4 zoning, we expect our neighbors respect the zoning, not turn this place into a thorofare with noise, congestion, etc.

Traffic engineers feel 5000 cars every morning have to get out of the one lane south Meadowpark Lane, and if 20 get thru each signal light, that means 4.3 hours of bumper to bumper traffic. This is not a proper place to place a busy street.

My nursery trees are doing well, and I need easy access to market them. My father had Hadley Fruit Orchards, and the Mission Fig starts are all from his personal tree, that we are planning on marketing in mass. The property next door is zoned for agricultural, and I had called to buy it for my trees, when I found Stonegate had purchased it and was planning a highway there.

Thank goodness my father left me money to fight this, as this destroys the rights of homeowners to have the peaceful enjoyment of their homes, which sounds a bit against the constitution of the U.S.

I hope you see the destruction this plan has for our area. The intersection at Mesa Rock is equally horrible. I understand there are Indian Ruins on Lucardi land, that have been found.

Palomar Hospital needs another place, near a freeway, and I have also heard that a rest stop for people on the road would be nice. The developers who get the entitlement, then return to their peaceful quiet homes on Newport Island, where Joe Perring and his wife live, after destroying the lives of others. Fire is a consideration, Golden Door will be put out of business with the noise and congestion and they have 377 acres, and I personally would have my existence threatened. In fact, this situation has given me high blood pressure, and my doctor finds this very life threatening at my age. I hope I have your support.

Pauline Hadley

mailing address: 306-n W. El Norte Pkwy. #423, Escondido, CA 92026. ph 760 471 1122 fax 760 744 1994
email above.

PAUL & CATHLEEN SMITH
630 DEER SPRINGS ROAD
SAN MARCOS, CALIFORNIA 92069

August 26, 2004

RECEIVED
AUG 31 2004
San Diego County
DEPT. OF PLANNING & LAND USE

Mr. Bill Stocks,
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Stonegate Merriam Mountains

Dear Bill,

I want to thank you for the time you have spent providing me with an understanding of the process that is required for this project.

As you suggested I am writing to advise you and the County that we have many concerns regarding the above referenced project. Beyond our concerns of the varied impact that the proposed project would have on the general area more specifically, it is being proposed that a new residential street called Meadow Park Lane be constructed connecting the proposed project to Deer Springs Rd thru APN 182-040-36-00; this parcel is directly adjacent to our property. An enormous negative impact of this proposed road will be the change in the entire character of our property; we are currently 7.4 acres with 390' frontage on Deer Springs Rd; the proposed road will change our property to a corner lot (potentially a light signal intersection, street lighting, etc.) opening the entire west side of our property (additional 950') to street. Our property is a private horse ranch with our horses housed on the west side of our property (we located the horses on the west side of the property because it is the most private and secure location). Please be aware the impact of the road is more than the effect on the horses. Our property has an easement for other residences use and the access at Deer Springs would also be impacted. We feel it is evident there are a number of issues that need to be discussed.

At this point, we have met several times with Joe Perring and Kristen Byrne, representatives of the Developer and are continuing our dialog. We are hopeful that our concerns will be addressed and the issues resolved in the next few months.

I will stay in touch and look forward to reviewing future information about the project.

Sincerely,



Telephone (760) 510-8224 Email: smithfieldfarms@pacbell.net



COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

REQUEST FOR AGENCY RECOMMENDATION

Date: 6/30/04

Assessor's

Parcel Number: SEE ATTACHED

GPA04-06 SP04-06 REZ04-013

Case Number: TM5381 S04-035 S04-036Requested S04-037 S04-038Response Date: 7/21/04

Project

Location: WEST SIDE OF I 15, NORTH OF DEER SPRING RD

Attached to this transmittal is a project that was recently submitted to the Department of Planning and Land Use for the protection of the public health, safety and welfare. The Department is requesting an agency review and comment on the development application entered above. Please return this form and any written comments to the Project Processing Control Center of this Department within 20 days as indicated by the response date entered above. If there are any questions regarding this application or in completing this form, please contact the Project Processing Control Center at (858) 694-3292.

Please include the case file number on all correspondence

FOR SPECIAL DISTRICTS

FIRE DISTRICT
WATER AGENCY
SEWER AGENCY
SCHOOL DISTRICT

RECEIVED
JUL 22 2004
San Diego County
DEPT. OF PLANNING & LAND USE

Please review the proposal and provide this department with any additional information or conditions to be considered in project review.

FOR COUNTY TAX COLLECTOR

Is the parcel delinquent?: Yes No (circle one)

Signature & date:

FOR COUNTY DEPARTMENTS

ANIMAL CONTROL
AGRICULTURE
ENVIRONMENTAL HEALTH

LIBRARY
PARKS & RECREATION
SHERIFF

Please review the project proposal and provide written comment of departmental concerns to be considered during discretionary review. *DEH has no objection*

Site serves by public sewer 7/14/04
Urban Ordinance

FOR OTHER GOVERNMENTAL AGENCIES

INCORPORATED CITY
DEPT. OF FISH AND GAME
STATE AND FEDERAL FORESTRY
STATE DEPT. OF HEALTH
AND EDUCATION

APCD
CALTRANS
LAFCO
SANDAG
RWQCB

This project may be in or adjacent to an area of concern to your jurisdiction. Please review the enclosed information and provide written comment as appropriate.

FOR PRIVATE UTILITY AND ENVIRONMENTAL GROUPS

Please review the enclosed information and provide written comment of concerns to be considered during discretionary review.

DPLU#521A (08/03)



RECEIVED

AUG n 5 2004

San Diego County
DEPT. OF PLANNING & LAND USE

July 30, 2004

Mr. Greg Richard, President
Twin Oaks Valley Property Owners Association
P.O. Box 542
San Marcos, CA 92079-0542

RE: Membership in Twin Oaks Valley Property Owners Association

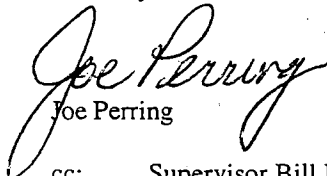
Dear Mr. Richard:

Enclosed please find a completed membership application and a check in the amount of \$20.00 for annual dues for the Twin Oaks Valley Property Owners Association (\$10.00 each for two parcels).

Since Stonegate's Merriam Mountains project is listed as a topic of discussion, I would have liked to attend the Annual Meeting on August 1st, but unfortunately did not receive notice of the meeting in time. I would like to extend an offer to attend one of your board meetings in the future to present the project and answer questions that your board may have. Kristen Byrne, a member of our project team, will follow-up with you to see if you would like to schedule a presentation.

I look forward to participating in the Twin Oaks Valley Property Owners Association.

Sincerely,


Joe Perring

cc: Supervisor Bill Horn
Bill Stocks, DPLU

Loy, Maggie A

From: JLWAKOHLER@aol.com
Sent: Tuesday, July 20, 2004 3:43 PM
To: Loy, Maggie A
Subject: Stonegate Service Availability Lrtters

We decided to attend Twin Oaks Sponsor Meeting on July 21 before requesting our needed information from you. You will expect to hear from us.
Thank You

Jimmie Kohler
1299 Deer Springs Oaks # 6
San Marcos, Ca. 92069

7/20/2004

7/15/04

Dept of Planner + Land Use San Diego
Re: your case # GPA-04-06, SP.

Please change
address + also notify
the dept. where you received
this old address:

tax Parcel 187-540-43 is
owned by Doug Shemer entirely

Address 3760 Boise St
Los Angeles, CA

you sent to Doug Shemer 90066
@ old address

14829 N. 42nd Pl.
Phoenix AZ 85032

They should have the current address
because he's been the owner for a yr.
Thank you for your trouble

Martha Shemer, 85 yr old grand.
mother of Doug Shemer